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Blue Laws

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Joshua B. Francis

Stamford

May 1838

John B. Jones

London

May 1833

THE
BLUE LAWS
OF
NEW HAVEN COLONY,
USUALLY CALLED
BLUE LAWS OF CONNECTICUT;
QUAKER LAWS
OF
PLYMOUTH AND MASSACHUSETTS;

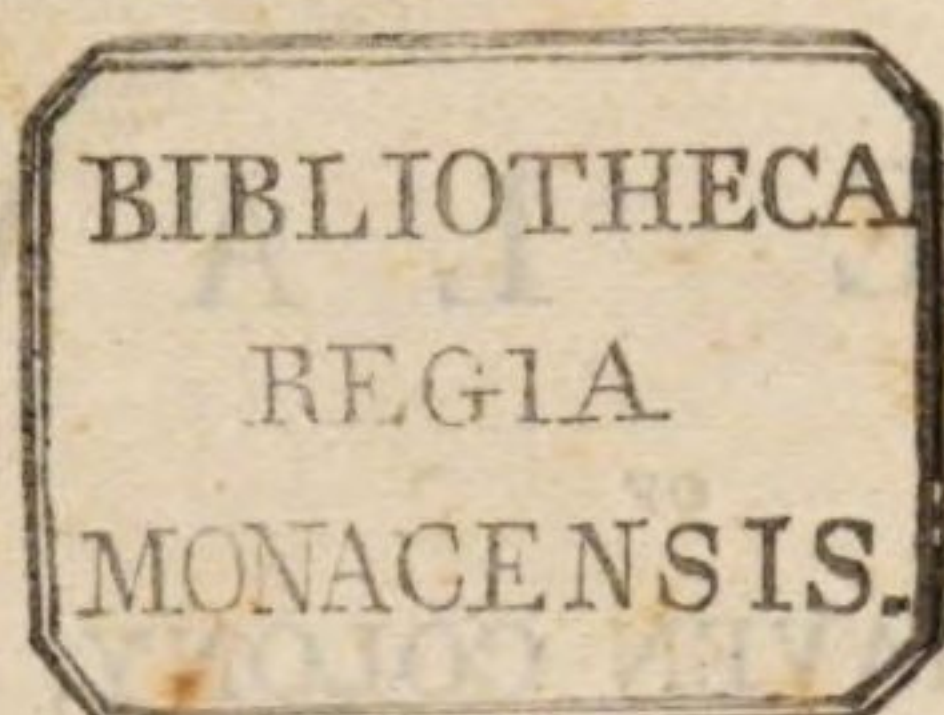
R
BLUE LAWS
OF
NEW YORK, MARYLAND, VIRGINIA,
AND SOUTH CAROLINA.

FIRST RECORD OF CONNECTICUT;

INTERESTING EXTRACTS FROM CONNECTICUT RECORDS; CASES
OF SALEM WITCHCRAFT; CHARGES AND BANISHMENT OF
REV. ROGER WILLIAMS, &c.; AND OTHER INTER-
ESTING AND INSTRUCTIVE ANTIQUITIES.

COMPILED
By AN ANTIQUARIAN.

HARTFORD.
PRINTED BY CASE, TIFFANY & CO.
PEARL STREET.
1838.



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P R E F A C E .

THE first settlers of the New-Haven colony, and also of the colony of Connecticut, were emigrants from England. Soon after the arrival of the former, in 1638, finding themselves destitute of any laws as rules of action to govern their small but intrepid band, knowing that all civil societies required laws, both for the protection of their persons and estates, the colonists soon organized and constituted a General Court, in 1639, appointed such officers as were required, constituted courts, and enacted such laws as the exigences of the occasion demanded, in the infancy of the government. And as their numbers increased, and settlements extended, other laws were enacted to punish offenders, protect life, liberty, and property from injury, and were added from session to session of the General Court. As no printing establishment had yet been in operation in the colony, the laws were promulgated to the people by written copies of them delivered to the constables in the jurisdiction, whose duty it was to declare them to their subjects on lecture days, and at such other times as the citizens of the plantations should be assembled. This mode of enacting and declaring the laws, continued until their laws became numerous, and therefore inconvenient and difficult, not only for the people, but the courts, to retain them in recollection. It was therefore ordered by the General Court of the Colony, in 1665, that some able, judicious and godly man should be appointed, to form a code of laws for the (New-Haven) colony. Governor Eaton was appointed for this purpose, and desired by the General Court, for his own instruction, and to aid him in this arduous task, to examine the laws of the colony of Massachusetts, and also the Discourse on Civil Government in a New Plantation, by the Rev. Mr. Cotton. Governor Eaton accepted the appointment, and

soon perfected a code of laws for the colony, (very many of which were extracted from the Massachusetts code) which were presented to the elders of the jurisdiction, and by them examined and approved; when the General Court ordered five hundred copies to be printed for the use of the New-Haven colonists.—Governor Hopkins being at this time in England, and being a gentleman of education, and sustaining an exalted reputation in all the New England colonies, was selected to procure the printing to be executed in England. The copy was therefore forwarded to him for this purpose; which he soon procured to be effected under his special direction and inspection, (at the Crown, in Pope's-head Alley, London, in 1656,) and returned them immediately to the colony.

It has been generally supposed that the laws enacted by the New-Haven colony previous to the code by Governor Eaton in 1655, formed the code of *Blue Laws* so highly celebrated in this country.—Peters says that many of what have been termed "Blue Laws," were not suffered to be recorded, but were to be made so familiar with the people, that recording them would be unnecessary; until the laws of that colony were systematized by Governor Eaton and printed in 1656, at which time many of the laws previous to 1656 were expunged, and new laws added. At this time New-Haven was a distinct colony from that of Connecticut. The latter was composed of the towns of Hartford, Windsor and Wethersfield, and some wild and unsettled territory contiguous to them. The term "blue laws," attached to this early code of laws, is said to have originated from the fact that the first printed laws in the New Haven colony were enveloped in blue colored paper; and from this circumstance I am inclined to believe that the term "Blue Laws of *Connecticut*," is incorrect, but should be the Blue Laws of *New-Haven Colony*; for it appears that the first printed laws in either colony were those composed by Gov. Eaton, which are said to have been enveloped in blue paper, so that we are to conclude that the Eaton code of 1656 were in fact the blue laws, if a code of blue laws were ever in force here, and not exclusively the acts passed previous to that period. It will readily be discovered by the reader of the blue laws, and the early laws of the Massachusetts colony, that the code by Gov. Eaton (for New-Haven colony) was composed almost entirely of the laws of Massachusetts, in doing which,

Gov. Eaton made the sacred volume his guide, and has cited scripture in all cases upon which his laws were founded; and where he has adopted the laws of other colonies, has enlarged and defined their meaning, to avoid doubts and caviling amongst the colonists, most of which laws are now incorporated in the statute book of this state, not couched in the original language and phraseology, but embracing the same principles, and punishing like offences. Indeed that code of laws has been the foundation of the civil government of the State, and all our praiseworthy institutions, both civil and religious, can be traced from the present code of laws in this State, to those compiled by Governor Eaton nearly two centuries since. And however strange the fact may appear, but *two volumes* of the five hundred printed in 1656, are to be found in this country, as known to the compiler, of which valuable antiquity a certified and correct copy is published in this work. The loss of which (original) to future generations would be irreparable; for no antiquities so amply and satisfactorily shew the improvement of the age for two hundred years past, as the laws of civil government (of 1656 compared with the present,)—the acts and records of the legislature for one hundred and fifty years from the first settlement in New-England, prove that the march of improvement has fully kept pace with that of time. Indeed it appears chimerical to the present generation, that the improvement for two centuries in advance should be equal even to the last fifty years in this country. It is to preserve these literary antiquities that the compiler has collected and published them, and brought them together into a single volume, that they may never be lost to posterity.

Also are included in this work, several of the laws of Plymouth and Massachusetts colonies, from 1657, for several years in succession, which have been obtained through a correct source, and are to be relied upon as true transcripts of record, punishing the denomination of christians called Quakers, who came into those colonies, which will be as new and highly interesting to most of the citizens of New-England, as to the inhabitants of the South or West. No man can peruse these laws without a chill in every vein, and be ready to disbelieve that so uncharitable a spirit could ever have existed and been exercised in America, in a country whose freedom, civilly and religiously consid-

ered, was its boast, and by a class of citizens, too, who themselves had, (then recently) abandoned home and the friends of their childhood, for the sole purpose of enjoying their *own religious opinions*, and escaping the *persecution* of the Church of England; and that as soon as circumstances had placed them in the ascendancy in this country, should have forgotten the smarts, pains and penalties, so lately inflicted upon *themselves* in their native country, and for exercising that freedom of opinion which they had been refused, and were then so pleasantly enjoying—for which opinions, the Quakers were whipped, branded, had their ears cut off, their tongues bored with hot irons, and were banished, upon the pain of death in case of their return, and actually executed upon the gallows. If the Quakers violated any laws of the colony, they should have been punished for such violation, and not for their religious opinions.

Also is included the record of the charges and sentence of banishment of the Rev. Roger Williams and others by the court and clergy of the colony in 1635.

Also a few pages of the first record ever made in Connecticut, in the year 1635, soon after the first emigrants settled in Hartford, which is included merely for its antiquity, more than two centuries having expired since the facts recorded transpired.

Also the criminal code of laws passed by the General Court of Connecticut on the 1st day of December, 1642, which is inserted for the purpose of shewing the reader the similarity of the criminal laws (at that time) in the different colonies in New-England.

The compiler is aware that some few of the illiberal in this community may be dissatisfied with the publication of a part of these important antiquities, apprehending that the literary or moral character of the **Puritan Fathers* of New England may be implicated by such publication. But when they reflect that no man at that day was licenced as a clergyman to preach until he was familiar with the three learned languages, (which is far more than is now required,) it will be at once yielded that the literary clergy of that day would not suffer by a comparison with

* This name was given to a party which appeared in England in the year 1565, who opposed the liturgy and ceremonies of the Church of England. They acquired this denomination from their professed design to establish a purer form of worship and discipline.

Those who were first styled *Puritans* were Presbyterians; but the term was afterwards applied to others who differed from the Church of England, (also called Dissenters).—[Hayward 83.]

those of the present. The orthography in which much of this work appears, only shews that the mode of spelling at that day was the fashion of the times, which is clearly evidenced by the writings of Cotton Mather and other learned men, whose orthography is much the same. I have not been very particular in most of the work to preserve the ancient spelling, which would necessarily occupy much more time, and render the type setting far more laborious and difficult.—That the morality or religion of the puritans are implicated by this publication, I cannot do less than deny. For each and every act contained in this work shews their actions were intended to be strictly governed by that Law Book first given to man. That they were enthusiastic, perhaps bigoted, superstitious, highly excited and zealous in the pursuit of their object, cannot be doubted, when their laws punishing Quakers and others are examined. Even the Blue Laws are highly honorable and praiseworthy to the authors of them, so far as their pure intentions towards God and their fellow men were concerned. The suppressing, or rather neglecting, their publication for one hundred and eighty-two years, is far more reprehensible than any thing contained in the Blue Laws themselves. (A few of them have been published in Barber's Antiquities of New-Haven.) A small work called the Blue Laws of Connecticut appeared a few years since, compiled by Silas Andrus, Esq., of Hartford, which were nothing more than the early colony laws of Connecticut, and which did not contain a single law known anciently as a Blue Law.

The reader in this work will find that our ancestors did not hesitate to call things by their right names, either in conversation or upon record. They have spoken in plain scripture language, and it should no more offend the delicacy of any person than should the language of the Bible itself. Though I have latinized some few expressions to avoid offending females, rather than to expunge any part of the laws and render the code imperfect, antiquarians will at once chide me for so doing, and reply, that a law made for a rule of action at any day, should not be secreted under a Latin phrase, and that a public act to govern the people, whether delicate or vulgar, should come to all classes, and be preserved and published in its ancient purity or impurity of language.

A few ancient orders and resolutions taken from the State rec-

ord, which are highly amusing and entertaining to all classes of society, are also embraced in this collection of antiquities ; and also the journal of the Dutch commissioners, Van Ruyven, burgomaster Van Cortlandt, &c., from New-York to Hartford, in 1663.*

At the close of this work are a few extracts upon the subject of witchcraft, from Mather's *Magnalia* and other ancient publications, which are printed in the words and figures of the original, as written by the authors at the time it was supposed the cases mentioned took place, and to several of which they claim to have been eye witnesses.

Much has been said in this country upon the subject of Salem withcraft, and in later years, Salem has been the butt and ridicule for her former belief in demonology and withcraft, which has been done without reflecting that the influence of credulity is contagious, and that individuals will trust the evidence of others in despite of their own senses. Excited passions upon this subject, operated upon the minds of men, and being rather inclined to believe in supernatural and marvelous events and sights, the public mind became satisfied of its reality and its danger. But Salem has not been alone in the belief of hobgoblins and ghosts. Neither did witchcraft originate in this country. Even Pharaoh had wizzards. Saul was met by a witch. The Romans had laws against witchcraft. It arose at a period when the Christians deemed the gods of the Mahomedan or heathen nations as perfect fiends, and their priests as wizzards. Fortune-telling, mystical or magical cures, intercourse with familiar spirits, fairies and withcraft, have ever been much the same thing, depending upon the spirit of the times and the popular superstition when it existed. Prosecutions for withcraft have been from the earliest period, even in the Roman empire, and in the middle ages ; as in the case of the Duchess of Gloucester. Prosecutions in the fourteenth century, for witchcraft, united with the charge of heresy, in Sweden and Spain, were not uncommon. In England it was usually a crime connected with politics and state offences. In the sixteenth century, impostures, countenanced by individual catholic priests, and some

* This was probably the first formal diplomatic embassy that ever took place in this country, from one independent province or colony to another, to settle an affair of government.

puritan clergymen, as in the case of Dugdale. And I might follow the rage of this strange frenzy from age to age, and country to country, to the Salem withcraft, which existed at a time when there were more fairies and jugglers in every part of Europe and this country, than had existed at any previous period. These supernatural and strange ideas of familiar spirits, by the first settlers at Plymouth, Salem, &c., were brought with them from England, and the punishment of the offence at Salem was the same as in England at the time, derived from the law they had lived under before their embarkation to this country.

The reader, from these remarks, will not conclude that I make them in justification of the heretical frenzy of those concerned in the withcraft of Salem, but rather to shew that at that time the strong passion for supernatural events existed in every part of the world to a greater or less extent. Connecticut and Virginia had laws at the same time, punishing the crime of witchcraft with death.—But be it spoken to the honor and good sense of Connecticut, that although a few persons were tried for the crime of familiarity with Satan, that her records are not stained with the disgrace of a *sentence executed* upon any of her citizens for the crime of witchcraft. Though like the other colonies, Connecticut had a law at the time, punishing the offence with death. However, but two adjudicated cases are found on her record, where a jury returned verdict of *guilty*, and even in these cases the court acquitted the prisoners and rejected the verdict for an *informality* in the complaint filed.

As Connecticut has often smarted by the ridicule of other States for her *Blue Laws*, in days of yore, I have collected a few of the ancient *Blue Laws* of Massachusetts, New-York, Maryland, Virginia, and South Carolina, together with some from that part of the island of Barbadoes, then settled by the English near the same period of time, which I have included in this volume, all of which retain the *strong blue tinge* of the laws of Connecticut; and most evidently, from the spirit of the times when they were enacted, was much the same, not only in Europe, but throughout the settled parts of this country. All which, I most cheerfully submit to the perusal of literary antiquarians, giving them the assurance that nearly the whole work is matter of record in this country, which can be referred to for its authenticity. Some few of the *Blue Laws* (as no

record was made of a part of them, or if made has been lost,) I depend upon tradition, or a worse source, Peters' history, for their authenticity. But a record is made of all such as were enacted as early as 1655, and some from the first settlement of the New-Haven colony.

There has been added to this work, by request of a gentleman by the name of S. G. Welles of New-Lebanon, in the state of New-York, a few pages, embracing the religious tenets of "The United Society of Believers, commonly called Shakers," which I insert for the accommodation of the Shakers, and that the public generally may obtain a more thorough knowledge of the tenets of their religion, which has not been generally understood by the public.

I have also added several laws from the record of the Plymouth colony, some of which were enacted more than two hundred years since, by the first settlers, and have with care preserved the orthography of the original records; together with many other records of ancient times, which I hope may not only instruct, but amuse the antiquarian.

HARTFORD, April 2, 1838.

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BLUE LAWS.

THE reader will find the following collection of Laws, Letters, Judgments, &c. in the Colonies of Massachusetts and Plymouth in 1657 &c., highly interesting:—punishing Quakers by whipping, branding, cutting off their ears, banishing and actually executing them upon the gallows, for differing in their religious opinions, (on the construction of the doctrines of the bible) from *other Dissenters* from the church of England.

PLYMOUTH, ORDER OF COURT ABOUT QUAKERS.

Plymouth Records.

It is ordered by the court, that in case any shall bring in any Quaker, Rantor or other notoriouse Heretiques, either by land or water into any parte of this government, shall forthwith, upon order from any one magistrate returne them to the place from whence they came, or clear the government of them on the penaltie of paying a fine of twenty shillings for euery (*every*) weeke that they shall stay in the government after warninge.

PLYMOUTH LAW AGAINST ENTERTAINING QUAKERS.

From the records of Plymouth.

Whereas there hath seuerall persons come into this gov-

ernment commonly called Quakers, whose doctrine and practises manifestly tend to the subversion of the fundamentals of christian religion, church order and the civell peace of this government, as appeers by the testimonies given in sundry depositions and otherwise: It is therefore enacted by the court and the authoretie thereof, that noe Quaker or person commonly soe called, bee entertained by any person or persons within this government, vnder the penaltie of five pounds for euery such default, or be whipt, and in case any one shall entertaine any such person ignorantly, if hee shal testify on his oath that hee knew not them to bee such, he shalbe freed of the aforesaid penaltie, provided hee vpon his first decerning them to bee such, doe discouer them to the constable or his deputie. (Renacted 10th June, 1660.)

Plymouth Records, Oct. 6, 1657.

At this court, humphrey Norton, one of those commonly called Quakers, being summoned, appeered and, was examined and found guilty of diuers horred errors and was centanced speedily to depart the government, and was forthwith expelled the government by the vnder marshall whoe was required to accompanie him as farr as Asonett, towards Road Island.

Massachusetts Records, Oct. 14, 1657.

As an addition to the late order in reference to the coming or bringing in any of the cursed sect of the Quakers into this jurisdiction, it is ordered, that whosoever shall from henceforth bring, or cause to be brought, directly or indirectly any known Quaker or Quakers, or other blasphemous Hereticks into this jurisdiction, euery such person shall forfeit the sum of one hundred pounds to the country, and shall by warrant from any magistrate, be committed to prison, there to remain till the penalty be satisfied and paid, and if any person or persons within this

jurisdiction, shall henceforth entertaine and conceal any such Quaker or Quakers, or other blasphemous hereticks, (knowing them so to be,) euery such person shall forfeit to the country forty shillings for euery hour's entertainment and concealment of any Quaker or Quakers as aforesaid, and shall be committed to prison as aforesaid, untill the forfeitures be fully satisfied and paid—and it is further ordered, that if any Quaker or Quakers shall presume, after they have once suffered what the law requireth, to come into this jurisdiction, euery such male Quaker shall, for the first offence, haue one of his ears cut off and be kept att work in the house of correction till he can be sent away at his own charge; and for the second offence shall haue the other ear cut off &c., and kept at the house of correction as aforesaid. And euery woman Quaker that hath suffered the law here, that shall presume to come into this jurisdiction, shall be seuerely whipt and kept at the house of correction at work, till she be sent away at her own charge, and so also for her coming again she shall be alike used as aforesaid. And for euery Quaker, he or she that shall a third time heerin again offend, they shall haue their tongues bored through with a hot iron and be kept at the house of correction close at work, till they be sent away at thier own charge. And it is further ordered, that all and euery Quaker arising from amongst ourselues, shall be dealt with and suffer the like punishments as the law provides against foreign Quakers.

Massachusetts Records, 19th May, 1658.

That Quakers and such accursed hereticks arising amongst ourselues may be dealt withal according to thier deserts, and that thier pestilent errors and practices may speedily be preuented: It is hereby ordered, as an addition to the former law against Quakers, that euery such person or persons professing any of thier pernicious ways by speaking, writing or by meeting on the Lord's days, or at

any other time, to strengthen themselves or seduce others to thier *diabolical doctrine*, shall after due means of conviction, incur the penalty ensuing, that is, euery person so meeting, shall pay to the country for euery time, ten shillings, and euery one speaking in such meeting, shall pay five pounds a piece, and in case of any such person hath been punished by scourging or whipping, the first time according to the former laws, shall be still kept at work in the house of correction till they put in security with two sufficient men, that they shall not any more vent thier hateful errors nor use thier sinful practices, or else shall depart this jurisdiction at thier own charges, and if any of them return again, then each such person shall incur the penalty of the laws formerly made by strangers.

Records of New Plymouth, 1658.

It is enacted by the court and the authoritie thereof, that no Quaker, Rantor or any such corrupt person, shall bee admitted to bee a freeman of this corporation.

It is enacted by the court and the authoritie thereof, that all such as are opposers of the good and wholesome lawes of this collonie; or manifest opposers of the true worship of God, or such as refuse to doe the countrey service, being called thereunto, shall not bee admitted free-men of this corporation; being duely convicted of all or any of these.

It is enacted by the court, that all such as refuse to take the oath of fidelitie as Quakers or such as are manifest encorragers of them, shall have noe voat in choise of publick officers in the place wher they dwell or shall bee employed in any place of trust while they contineed such.

Massachasetts Records, Oct. 19th, 1658.

It is ordered that the Quakers in prison at Ipswich, be forthwith sent for. Warrant issued out accordingly and return of the warrant made. The court convented the

said Quakers before them, and after much endeavour to convince and reform them, ordered that Samuel Shattock, Lawrence Southwick, his wife, Nicholas Phelps, Joshua Buffam and Josiah Southwick shall be enjoined, at their peril, to depart out of this jurisdiction before the first day of the court of election next, which if they neglect or refuse to do, they shall be then banished, under the pain of death, and if in the mean time they shall transgress against the new law made this court against Quakers, they shall be proceeded with as the said law requires. And it is referred to the county court of Suffolk, to declare this sentence to them, and thereupon to release them out of prison.

Massachusetts Records, May 11, 1659.

Whereas Daniel and Provided Southwick, Son and Daughter of Lawrence Southwick have been fined by the county courts at Salem and Ipswich, pretending they have no estates, resolving not to work, and others likewise have been fined, and more like to be, fined for sideing with the Quakers, and absenting themselves from the publick ordinances; In answer to a question, what course should be taken for the satisfaction of the fines? The court on perusal of the Law, title *Arrests*, Resolve, That the Treasurers of the several Counties are, and shall hereby be empowered to sell said persons to any of the English nation at Virginia and Barbadoes.

LAWS OF MASSACHUSETTS.

Edit 1672.

Whereas there is a pernicious sect commonly called Quakers, lately arisen, who by word and writing have published and maintained many dangerous and horrid Tenets, and do take upon them to change and alter the received laudable customes of our Nation, in giving civil

respect to equals, or reverence to superiours, whose actions tend to undermine the authority of civil governmental so as to destroy the order of the churches, by denying all established forms of worship, and by withdrawing from the orderly Church assemblies allowed and approved by all orthodox Professors of the truth ; and instead thereof, and opposition thereunto, frequenting private meetings of their own, insinuating themselves into the minds of the simpler, or such as are less affected to the order and government of the church and common-wealth, whereby divers of our inhabitants have been infected and seduced, notwithstanding all former Laws made (upon experience of their arrogant bold obtrusions, to disseminate their principles amongst us,) prohibiting their coming into this jurisdiction, they have not been deterred from their impetuous attempts to undermine our peace and hasten our ruine. (1658.)

For prevention thereof, this court doth order and enact, that every person or persons of the *cursed sect* of the Quakers, who is not an inhabitant of, but found within this jurisdiction, shall be apprehended (without warrant where no magistrate is at hand,) by any constable, commissioner or selectman, and conveyed from constable to constable, until they come before the next magistrate, who shall commit the said person or persons to close prison, there to remain without baile untill the next court of Assistants, where they shall have a legal trial by a special jury, and being convicted to be of the Sect of the Quakers, shall be sentenced to banishment upon pain of Death.

And that every inhabitant of this jurisdiction, being convicted to be of the aforesaid sect, either by taking up, publishing and defending the horrid opinions of the Quakers, or by stirring up mutiny, sedition or rebellion against the government, or by taking up their absurd and destructive practises, viz. denying civil respect and reverence to equals and superiors, withdrawing from our church assem-

blies, and instead thereof frequenting private meetings of their own, in opposition to church order, or by adhering to, or approving of any known Quakers or the tenets and practises of the Quakers, that are opposite to the orthodox received opinions and practises of the godly, and endeavoring to disaffect others to civil government and church order; and condemning the practise and proceedings of this court against the Quakers, manifesting thereby compliance with those whose design is to overthrow the order established in church and commonwealth; every such person, upon examination and legal conviction before the court of assistants in manner as aforesaid, shall be committed to close prison for one month, and then unless they chuse voluntarily to depart the jurisdiction, shall give bond for their good abbearance and appearance at the next court of assistants, where, continuing obstinate, and refusing to retract and reform the aforesaid opinions and practises, shall be sentenced to banishment on the pain of Death: and in case of the aforesaid voluntary departure, not to remain or again to return into this jurisdiction, without the allowance of the major part of the council first had and published, on penalty of being banished upon pain of death; and any one magistrate, upon information given him of any such person, shall cause them to be apprehended, and if upon examination of the case, he shall according to his best discretion, finde just ground for such complaint, he shall commit such person to prison, until he comes to his tryal as is above expressed. (1646.)

Massachusetts Records, May 11, 1659.

It is ordered that Lawrence Southwick, Cassandra his wife, Samuel Shattock, Nicholas Phelps, Joshua Buffam, and Josiah Southwick, hereby are sentenced according to the order of the general court in October last to banishment, to depart out of this jurisdiction by the eighth of June next, on pain of death; and if any of them after the

said eighth day of June next, shall be found within this jurisdiction, they shall be apprehended by any constable or other officer of this jurisdiction, and be committed to close prison, there to lye till the next court of assistants, where they shall be tryed, and being found guilty of the breach of this law, shall be put to Death.

Plymouth Records, June 7, 1659.

For as much as many persons are greatly corrupted with the Quaker doctrines by reading their bookes, writings or episles, which are sent and distributed into sundry places within this jurisdiction: It is therefore enacted by the court and the authoritie thereof that in case the constable or grand jurymen or marshall shall find or heare of any Quaker's bookes, epistles or writings, he shall seize on them and present them to a magistrate or the next court.

Plymouth Records, 1659.

It is enacted by the court, that a proposition bee made to the Quakers that such of them as will promise and engage to remove their dwellings out of this government within six monthes after this present court and performe it, that noe fine be exacted of them as soe engage; and such as whose estates are so impoverished as they are disabled to remove, they shall have som supply made them out of the treasury to healep them.

Plymouth Records, 1659.

Whereas some have desired and others thinke it meet to permit some persons to frequent the Quakers' meetings, to endeavour to *reduce* them from the error of their wayes, the court, considering the premises, doe permit John Smith, of Barnstable, Isacke Robinson, John Chipman, and John Cooke, of Plymouth, or any two of them, to attend the said meetings for the ends aforesaid, att any time betwixt this court and the next October court.

Massachusetts Records, October 18th, 1659.

It is ordered that William Robinson, Marmaduke Stephenson, and Mary Dyer, *Quakers*, now in prison for thiere rebellion, sedition, and presumptuous obtruding themselves upon us, notwithstanding thiere being sentenced to banishment on pain of death, as underminers of this government, &c., shall be brought before this court for thier trials, to suffer the penalty of the law, (*the just reward of their transgression,*) on the morrow morning, being the 19th of this instant.

William Robinson, Marmaduke Stephenson, and Mary Dyer, banished this jurisdiction by the last court of assistants, on pain of death, being committed by order of the general court, were sent for, brought to the bar, acknowledged themselves to be the persons banished; after a full hearing of what the prisoners could say for themselves, it was put to the question, whether Wm. Robinson, Marmaduke Stephenson, and Mary Dyer, the persons now in prison, who have been *convicted for Quakers*, and banished this jurisdiction on pain of death, should be put to death according as the law provides in that case?

The court resolved this question in the affirmative.

And the Governor, in open court, declared the sentence to William Robinson, that was brought to the bar:—William Robinson, you shall go from hence to the place from whence you came, and from thence to the place of *execution*, and there *hang* till you be *dead*.—The like sentences, the Governor, in open court, pronounced against Marmaduke Stephenson and Mary Dyer, being brought to the bar, one after another, in the same words.

Whereas William Robinson, Marmaduke Stephenson, and Mary Dyer, are sentenced by this court to death, for thier *rebellion*, &c. it is ordered, that the Secretary issue out his warrant to Edward Mitchelson, marshall general, for repairing to the prison on the 27th of this instant Oc-

tober, and take the said William Robinson, Marmaduke Stephenson, and Mary Dyer, into his custody; and then forthwith, by the aid of captain James Oliver, with one hundred soldiers, taken out by his order, proportionably out of each company in Boston, compleatly armed with *pike* and *musketeers*, with *powder* and *bullett*, to lead them to the place of *execution*, and there see them hang till they be *dead*. And in their going, and being there, and return, to see all things bee carried peaceably and orderly. Warrants issued out accordingly.

Same Record.

Whereas Mary Dyer is condemned by the general court to be executed for her offences: on the petition of William Dyer, her son, it is ordered, that the said Mary Dyer shall have liberty for forty-eight hours after this day, to depart out of this jurisdiction, after which time, being found therein, she is forthwith to be executed; and in the mean time that she be kept close prisoner till her son or some other person be ready to carry her away within the aforesaid time. And it is further ordered, that she shall be carried to the place of execution, and there to stand upon the *gallows*, with a rope about her neck, till the rest be executed; and then to return to the prison and remain as aforesaid.

A Letter of Humphrey Norton, who was a Quaker, and who had smarted under the rod of persicution of the Governor of the Plymouth Patent, taken from Plymouth Record, which was recorded by order of court, as follows, viz:

Tho. Prence, thou whoe hast bent thy hart to worke wickedness, and with thy tongue hast sett forth deceite: Thou imaginist mischief upon thy bed, and hatchest thy hatred in thy secret chamber, the strength of darkness is over thee, and a malicouse mouth hast thou opened against

God and his Anointed, and with thy tongue and lipps hast thou uttered perverse thinges : thou hast slaundered the innocent by railing, lying, and false accusations, and with thy barbarouse hart hast thou caused their blood to bee shed ; thou hast through these things broken and transgressed the lawes and waies of God : and equitie is not before thy eyes, the curse causeless cannot come upon thee, nor the vengeance of God unjustly cannot fetch thee up ; thou makest thyselfe merry with thy cecret mallice ; and when thou actes or exequetest it, it's in derision and scorn ; the deadly drinke of the cup of indignation thou cannot escape, and the grieve and cause of trauell will not be greater than thyne. Since first I saw thee and before, thy false and lying tongue hath been forged against mee ; I shall not writt nor speake without ground, as thou hast done by mee, but plainely shall present thy doings before thy face ; as firstly, thy former warrant was forged upon a filthy lye ; and therein thou littest mee an extravagant person ; thy second had healping hand in causing mee to bee recorded for severall errors, and like a shames man would neither *it* acknowledge nor deny ; thy *third*, that John Rouse and I were inordinate fellowes, and never in the least made it appear wherein ; thy fourth, that I intended within two daies after the time thou spake it, to make a preachment, as thou in thy derision called it thereawaies ; thy fift, thy promise that I should have the lau, and afterwards went about to deny it ; soe that as from thee I never had it yett ; thy sixt, popish and jesuiticall names, withal thy lying slaunders and false aspersions cast upon us from thy clamourouse tongue ; thy seventh, acting contrary to law, equitie, and justice and judgment, according to the evill of thyne owne hart ; all these are thou guilty of, besides the denying of my paper which was presented to thee containing *parte* of my *grounds* of my coming ; thy eight, thy striving to dash my words backe upon mee, and to hinder mee to speake in the people's

hearing, striving what thou could to staine the truth of God with thy enveouse tounge, all which things is charged upon thy head, and as a peale of hailestones will pealte upon thy hart; thou hast perverted justice and true judgment and hast defrauded the poor and needy; thou hast caused to defraud the righteouse owner of his goods, and is heaping it up as upon a hill wherewith thou wilt purchase to thyselfe and others a field of blood wherein to bury your dead: John Alden is to thee like unto a pack-horse whereupon thou layess thy beastly bagg, cursed are all they that have a hand therein; the cry of vengeance will persue thee day and night for other men's goods, hard speeches, unrieghteouse actions which thou hast done and spoken against others and us, without and contrary to the righteouse law; soe shall rest upon thee as frontless upon thy head, and as wee have suffered without law soe shalt thou perish without law if thou repent not; the days of thy wailing will be like unto that of a woman that murders the fruite of her wombe; the anguish and paine that will enter upon thy reignes will be like knawing wormes lodging betwixt thy hart and liver; when these things come upon thee, and thy back bowed downe with paine, in that day and houre thou shalt know to thy grieve that prophetts of the Lord God wee are, and the God of vengeance is our God.

(With care and speed)

HUMPHREY NORTON.

DECLARATION OF THE GENERAL COURT OF MASSACHUSETTS
RESPECTING THE QUAKERS.

Massachusetts Records.

The court haveing considered of the severall declarations which have been presented to vindicate the justice of this court's proceedings in reference to the Quakers, do thankfully acknowledge themselves engaged to the gentlemen that have taken paines therein; and for the satis-

faction of such as may any way be doubtful: It is ordered, that the two* declarations, here underwritten, shall go forthwith by the authority and order of the general court, the first of them to the *press* to be *printed*, the other from the secretary to the townes in *writing*.

Although the justice of our proceedings against William Robinson, Marmaduke Stevenson, and Mary Dyer, supported by the authority of this court, and the laws of the country and the laws of God, may rather persuade us to expect encouragement and commendation from all prudent and pious men, than convince us of any necessity to apologize for the same, yet for as much as men of weaker parts, out of pity and commiseration, (a commendable and christian virtue, yet easily abused and susceptible of sinister and dangerous impressions,) for want of full information, may be less satisfied; and men of perverse principles may take occasion hereby to calumniate us and render us as bloody persicutors: to satisfy the one, and stop the mouths of the other—

We thought it to be requisite to declare, that about three years since, divers persons professing themselves Quakers, (of whose pernicious principles and practices we had received intelligence from good hands,) from Barbadoes and England arrived at Boston, whose persons were only secured, to be sent away by the first opportunity, without censure or punishment; although their professed tenets, turbulent and contentious behaviour to *authority*, would have justified a severer animadversion, yet the prudence of this court was exercised only in making provision to secure the peace and order here established against their attempts, whose design we were well assured by our own experience, as well as by the example of their predecessors in Munster, was to undermine and ruin the same; and accordingly, a law was made and published, prohibiting all masters

* Only one declaration is recorded.

of ships to bring any *Quakers* into this jurisdiction, and themselves from coming in, on penalty of the house of correction, till they could be sent away: notwithstanding which, by a back doore they found entrance, and the penalty inflicted on themselves, proving insufficient to restrain their imprudent and insolent obtrusions was increased by the loss of the ears of those that offended the second time; which alsoe being too weak a defence against their impetuous and fanatick fury, necessitated us to endeavour our security. And upon serious consideration, after the former experiments of their incessant assaults, a law was made that such persons should be banished on pain of *Death*. According to the example of England, in their provision against Jesuits; which sentence being regularly pronounced, at the last court of assistants against the parties above named: and they either returning or continuing presumptuously in this jurisdiction, after the time limited, were apprehended and owning themselves to be the persons banished, were sentenced (by this court,) to *death*, according to the law aforesaid, *which hath been executed upon two of them*; Mary Dyer, upon the petition of her son, and the *mercy* and clemency of *this court*, had liberty to depart within two days; which she hath accepted of. The consideration of our gradual proceedings, will vindicate us from the clamorous accusation of severity. Our own just and necessary defence, calling upon us, (other measures failing,) to offer the point which these persons have violently and wilfully rushed upon; and thereby are become *Felons de se*, which might it have been prevented and the sovereign law, *salus populi* been preserved, our former proceedings as well as the sparing of Mary Dyer upon an inconsiderable intercession, will manifestly evince, we desired their life absent, rather than their death present.

Many of that *sect* of people, which are commonly called Quakers, having from foreign parts, and other colo-

nies, come at sundry times and in several companies and numbers into this jurisdiction of the Massachusetts; and those lesser punishments of the house of correction, and imprisonments for a time having been inflicted on some of them; but not suffering to deter or keep them away, but that still they have presumed to come hither upon no other ground or occasion, (for ought that could appeer,) but to scatter their corrupt opinions, and to draw others to their way, and so to make disturbance, and the honored general court having hereupon made an order and law, that such persons should be banished and removed hence, on pain of death, to be inflicted on such of them as after their banishment, should presume to return and come hither again. The making and execution of the aforesaid law, may be cleared to be warrantable and just upon such grounds and considerations as these, viz.

1. The doctrine of this sect of people, is destructive to fundamental truths of religion, as the sacred trinity, the person of Christ, and the holy scriptures as a perfect rule of faith and life; as Mr. Norton hath shewed in his tractate against the Quakers. Yea, that one opinion of thier being perfectly pure, and without sin, tends to overthrow the whole gospel, and the very vitals of christianity; for they that have no sin, have no need of Christ or of his satisfaction, or his blood to cleanse them from thier sin; no need of faith to believe in Christ for imputed righteousness to justify them, as being perfectly just in themselves; no repentance, as being righteous and without sin, no need of growing in grace, nor of the word and ordinances of God that they may grow thereby: for what need they to grow better, who are already perfect—no need of christian watchfulness against sin, who have no such enemy as sin dwelling in them, as Paul had, but are free from the presence and being of sin—and therefore Christ need not to say to them, as sometimes to his deciples, watch and pray that ye enter not into temptation; the spirit is

willing but the flesh is weak ; for having no such flesh or weakness, they have no need of watchfulness ; they have no need to purify themselves daily as all christians should, for they are perfectly pure already ; no need to put off the old man, and put on the new, like the christians to whom Paul wrote his epistles ; for what need they to do this, when they are already without sin, and so without all remainder of the old man—such fundamentals of christianity are overthrown by this one opinion of thiers ; and how much more by all thier other doctrines.

Now the commandment of God is plain, that he that presumes to speak lies in the name of the Lord, and turn people out of the way which the Lord hath commanded to walk in, such an one must not live, but be put to death, Zecha. 13 : 3. Deut. 13 : 6, and 18 : 2, and if the doctrine of the Quakers be not such, let the wise judge.

2. It is the commandment of the blessed God, that christians should obey magistrates, Titus, 3 : 1, and that every soul should be subject to the higher powers. Rom. 13 : 1, Yea, be subject to every ordinance of man for the Lord's sake. 1 Pet. 2 : 13, and yield, honor and reverence, or fear to such as are in authority, Prov. 24 : 21, 1 Pet. 2 : 17, and forbear all cursing and reviling and evil speeches, touching such persons, Exod. 22 : 28. Eccles. 8 : 2. Tit. 5 : 2. Acts 23 : 5. And accordingly good men have been wont to behave themselves with gestures, and speeches of reverence and honour towards superiours in place and power, as Abraham bowed down himself to the Hittites, Gen. 23 : 7, 12. Jacob and his wives and his children unto Esau, Gen. 33 : 3, 6, 7. Joseph's brethren unto Joseph, being Governor of Egypt, Gen. 42 : 6, and 43 : 26, 28. Joseph to his father Jacob, Gen. 48 : 12. Moses to his father-in-law Jethro, Exod. 18 : 7. Ruth to Boaz, Ruth, 2 : 10. David to Saul, 1 Sam. 24 : 6. Abigail, Bathsheba, and the prophet Nathan to king David, 1 Sam. 25 : 23. 1 Kings 1 : 16, 23, 31, with others that might be

added: and for reviling and contemptuous speeches, they have been so far therefrom, that they have spoken to and of their superiors with terms and expressions of much honour and reverence as father, 1 Sam. 19: 3. 1 Kings, 19: 20, and 2: 2, 12. Master, 2 Kings, 6: 15. 1 Sam. 24: 6. Gen. 33: 13, 14. 1 Pet. 3: 6. My Lord, 1 Sam. 24: 8. Gen. 44: 18, 19, 20. 1 Sam. 1: 15, 26. Most noble Festus, Acts 26: 25. Most excellent Theophilus, Luke 1: 3, and the like. That servant of Abraham, Gen. 24, doth call Abraham by the term and title of master, a matter of twenty times, or not much less in that one chapter, and on the contrary, it is noted as a brand, and of false teachers, that they dispise dominion, and are not afraid to speak evil of dignities, 2 Peter 2: 10. Jude 8. Though the very angels would not do so unto the devil, 2 Pet. 2: 11. Jude 9. Now, it is well known that the practice of the Quakers is too like these false teachers whome the apostles speak of and that they are far from giving that honour and reverence to magistrates which the Lord requireth, and good men have given to them, but on the contrary, shew contempt against them in their very outward gestures and behavior, and some of them at hart, spare not to belch out railing and cursing speeches; witness that odious cursing letter of Humphrey Norton: and if so, if Abishai may judge; they are worthy to dy; for so he thought of Shimei, for his contemptuous carriage and cursing speeches against David, 2 Sam. 16: 9, and 19 and 21. And though David at that time did forbear putting him to death, he gave charge to Solomon, that this Shimei having cursed him with such a greivous curse, he should not hold him guiltless, but bring down his hoary head to the grave with blood. 1 Kings 2: 8, 9. According to which direction, King Solomon caused him to be put to death. Verses 44, 46.

3. Also in this story of Solomon and Shimei, it is recorded (1 Kings 2,) how Solomon confined Shimei to Jerusalem,

charging him upon pain of death not to go out thence, and telling him, if he did, he should dy for it; which confinement when Shimei had broken, though it were three years after, and upon an occasion that might seem to have some weight in it, viz. To fetch again his servants that were run away from him, yet for all this, the confinement being broken, Solomon would not spare him, but put him to death; and if execution of death be lawful for breach of confinement, may not the same be said for breach of *banishment*; confinement of the two may seem to be much straighter, because in this a man is limited to one place and debarred from all others; whereas in banishment a man is debarred from no place but one, all others being left to his liberty; the one debars him from all places save that it gives liberty to one, the other gives liberty to all places save that it restrains from one, and therefore if death may be justly inflicted for breach of confinement, much more for return upon banishment, which is these Quakers case.

4. There is no man that is possessed of house or land, wherein he hath just title and propriety as his own, but he would count it unreasonably injurious that another who had no authority thereto should intrude and enter into his house without his, the owners consent; yea, and when the owner doth expressly prohibit and forbid the same; we say, when the man that so presumes to enter, hath no authority thereto: For if it were a constable or other officer legally authorized, such an one might enter notwithstanding the householder dissent or charge to the contrary; but for them that have no authority the case is otherwise, and if such one should presume to enter into another mans house and habitation, he might justly be impleaded as a thief or an usurper, and if in case of such violent assault the owners, *Le defendendo*, should slay the assailant and intruder, his blood would be upon his own head; and if private persons may in such case shed the blood of such intruders, may not the like be granted to them that are the publick keepers and guardians of the Com-

monwealth? Have not they as much power to take away the lives of such as contrary to prohibition shall invade and intrude into their publick possessions or Territories, as private and particular persons to deal so with them that without authority shall presume to enter into their private and particular habitations! which seems clearly to be the present case; for who can believe that Quakers are constables over this colony to intrude themselves, invade and enter whether the colony will or no, yea, notwithstanding their express prohibition to the contrary? If in such violent and bold attempts they lose their lives they may thank themselves as the blameable cause and Authors of their own death.

5. Who can make question, but that a man that hath children and family, both justly may and in duty ought to preserve them of his charge, (as far as he is able) from the dangerous company of persons inflicted with the plague or pestilence, or other contagious, nosome and mortal diseases, and if such persons should offer to intrude into the mans house amongst his children and servants, notwithstanding his prohibition and warning to the contrary, and thereby shall endanger the health and lives of them of the family, can any man doubt but that in such case, the Father of the family in defence of himself, may withstand the intrusion of such infected and dangerous persons, and if otherwise he cannot keep them out may kill them?—Now in Scripture, corruption in mind or judgment is counted a great infection or defilement, yea, and one of the greatest; for the apostle saying of some men; that to them there is nothing pure, gives this as the reason of it, because even their mind conscience is defiled, Titus 1: 15, as if defilement of mind did argue the defilement of all; and that in such case there was nothing pure, even as when leprosy was in the head, the Priest must pronounce such a man utterly unclean sith the plague was in his head, Levit. 13, 44. And it is the Lords command that such corrupt persons be not received into house, 2 John 10, which plainly enough implies that the

householder hath power to keep them out, and that it was not in their power to come in, if they pleased whether the householder would or no—And if the Father of a particular Family may thus defend his children and household, may not magistrates do the like for their subjects, they being nursing Fathers and nursing Mothers, by the account of God in holy scripture, Isai. 49: 23. Is it not clear that if the Father in the family must keep them out of his house, the Father of the commonwealth, must keep them out of his Jurisdiction, and if sheep and lambs cannot be preserved from the danger of the wolves, and the wolves will break in amongst them, it is easy to see what the Shepherd or keeper of the sheep may lawfully do in such a case.

6. It was the command of the Lord Jesus Christ to his disciples, that when they were persecuted in one city, that they should flee into another, Mat. 10: 23. And accordingly it was his own practice so to do many a time, both when he was a child and afterwards, Mat. 2: 13, 14, 12: 15, John 7: 1, and 8, last and 10: 39, and so was also the practice of the saints, witness what was written of Jacob, Gen. 27: 42, 43, and 28: 5, of Moses, Exod. 2: 14, 15, of Elias, 1 Kings, 19: 3.—of Paul, Acts 9: 24, 25, 29, 30, and 17: 13, 14, and of the apostle, Acts 14: 4, 5, and others who when they have been persecuted have fled away for their own safety, and Reason requires that when men have liberty to it they should not refuse so to do, because otherwise they will be guilty of tempting God and of incurring their own hurt, as having a fair way open for the avoiding thereof, but they needlessly expose themselves thereto.

If therefore that which is done against Quakers in this Jurisdiction were indeed persecution, as they account of it, though in truth it is not so, but the due ministration of Justice, but suppose it were as they think it to be, what spirit may they be thought to be acted or led by, who are in their actings so contrary to the commandment and example of Christ and of his saints in the case of persecution, which

these men suppose to be their case; plain enough it is, if their case were the same, their actings were not the same, but quite contrary, so that Christ and his Saints were led by one Spirit and these people by another, for rather than they would not shew their contempt of authority and make disturbance amongst his people, they choose to go contrary to the express directions of Jesus Christ and the approved Examples of his Saints, altho it be to the Hazard and Peril of their own Lives.

Plymouth Records, June 10, 1660.

Whereas by a former order of court, all persons were required to give notice to the constables of their severall precincts of all such persons as were knowne to be foraigne Quakers, now this present court doth enacte that it shall bee lawfull for any inhabitant within this Jurisdiction upon their knowledge, and having oppertunitie to use all endeavours to apprehend all such Quakers, and to deliver them to the Constables, or bring them before the Governor, or some one of the Magistrates.

Whereas we find that of late time, the Quakers have bine furnished with horses, and thereby they have not only the more speedy passage from place to place to the poisoning of the inhabitants with their *cursed* tenetts, but alsoe thereby have escaped the hands of the Officers, that might otherwise have apprehended them. It is therefore enacted by the court and the Authoritie thereof, that if any person or persons whatsoever in this Government, doth, or shall furnish any of them with horse or horse kind, the same to bee forfeited and seized on for the use of this government; or any horses that they shall bring into the government, or shall be brought in for them, and they make use of, shalbee forfeited as aforesaid: and that it shall be lawfull for any Inhabitant to make seizure of any such horse and to deliver him to the Constable or the Treasurer for the use of the country.

It is enacted by the court, that any one that shall bring in any Quaker or Rantor by land or water into this government, viz., by being a guide to them, or any otherwise shall bee fined to the use of the government, the sune of ten pounds for every such default.

Plymouth Records, 1660.

It is enacted by the Court and the authoritie thereof, that if any person or persons commonly called Quakers, or other such like *vagabonds* shall come into any towne of this government, the Marshall or constable shall apprehend him or them, and upon examination, soe appearing, hee shall whip them, or cause them to bee whipt with *rodds*: soe it excede not fifteen stripes, and to give him or them a passe to depart the Government, and any such person or persons bee found within the Government without their passe, or not acting according thereunto, they shal bee punished again as formerly; and in case any constable of this Jurisdiction shal bee unwilling, or cannot procure any to inflict the punishment aforesaid, that then they shall bringe such persons to Plymouth to the under Marshall, and he shall inflict it.

It is enacted by the court and the Authoritie thereof, that henceforth, noe person or persons shall permit any meetings of the Quakers to bee in his house or houseing, on the penaltie of being sumoned to the General Court, and there being convicted thereof, shalbee publickly whipt, or pay five pounds to the Collonies use.

Whereas there is a constant monthly meeting together of the Quakers from divers places in great numbers, which is verry offensive, and may prove greatly prejuditall to this Government, and in as much as the most constant place for such meetings is att Duxburrow: This court have desired and appointed Mr. Constant Southworth, and William Payboddy to repaire to such their meetings, together with the Marshall or Constable of the towne, and to use

theire endeavours, by argument and discourse, to convince or hinder them; and in case the place of theire meeting should bee changed, the court desires the above named, or any other meet persons to attend them there alsoe.

Massachusetts Records, 16 Oct., 1660.

For explanation of the law or laws referring to the manner of trial of such persons as are found in this jurisdiction after banishment on pain of death.

This court doth judge meet to declare, that when any person or persons banished upon pain of death, shall after the expiration of their time limitted for departure, be found within the limits of this Jurisdiction, all Magistrates, commissioners, constables and other officers of this jurisdiction do use their best endeavours for their apprehending and conveying to safe custody, and being there secured: such person or persons shall at the next court of assistants, whether in ordinary or especially called, according to the direction of law for calling such courts, have a legal trial by a jury of twelve men; and being found by evidence, or their own confession, to be the person or persons formerly sentenced to banishment on pain of death, shall accordingly be sentenced to *Death* and *executed*, by warrant from the Governor, or Deputy Governor, directed to the Marshall Generall; unless he or they be regularly *reprieved* in the meantime.

Massachusetts Records.

This court being desirous to try all means, with as much *lenity* as may consist with our safety, to prevent the intrusions of the Quakers, who, besides their absurd and blasphemous doctrines, do like Rogues and vagabonds come in upon us, and have not been restrained by the laws already provided:

Have ordered that every such vagabond Quaker, found within any part of this Jurisdiction, shall be apprehended

by any person or persons, or by the constable of the towne wherein he or she is taken, and by the constable, or in his absence, by any other person or persons, conveyed before the next magistrate of that Shire wherein they are taken, or Commissioner invested with Magistratical power: and being by the said magistrate or magistrates, commissioner or commissioners adjudged to be a wandering Quaker, viz. one that hath not any dwelling, or orderly allowance as an inhabitant of this Jurisdiction, and not giving civil respect by the *usual gestures* thereof, or by any other way or means manifesting himself to be a Quaker, shall by warrant under the hand of the said magistrate or magistrates, commissioner or commissioners, directed to the Constable of the towne wherein he or shee is taken, or in absence of the constables, to any other meet person, be stripped naked from the middle upwards, and tyed to a cart's tail, and whipped through the town, and from thence, immediately conveyed to the constable of the next town towards the border of our jurisdiction as the warrant shall direct, and so from constable to constable, till they be conveyed through any the outwardmost towns of our Jurisdiction.

And if such vagabond Quaker shall return again, then to be in like manner apprehended, and conveyed as often as they shall be found within the limits of our Jurisdiction: provided every such wandering Quaker, having been thrice committed and sent away as above said, and returning again into this jurisdiction, shall be apprehended, and committed by any magistrate or commissioner as above said, unto the house of *correction*, within that county wherein he or she is found, until the next court of that county; where, if the court judge not meet to release them, they shall be *branded* with the letter R on their left shoulder, and be severely whipt, and sent away in manner as above.

And if after this, he or shee shall return again; then to be proceeded against as *incorrigible Rogues and enemies* to the common peace, and shall immediately be apprehended

and committed to the common goal of the country, and at the next court of Assistants, shall be brought to their tryal, and proceeded against according to the Law made Anno 1658—for their banishment on pain of *Death*.

And for such Quakers as shall arise from amongst ourselves, they shall be proceeded against as a former law of Anno 1658.

Massachusetts Records, passed 22 May, 1661.

It is ordered that all the Quakers now in prison be acquainted with the new Law made against them, and forthwith released from prison, and sent from constable to constable, out of this Jurisdiction; and if they or any of them be found after twelve hours within the same, he or they shall be proceeded with according to the law made this present court, Peter Pierson and Judah Brown* excepted, persons condemned to be whipt in the prison, *only* with *twenty* stripes apiece.

MANDAMUS TO THE GOVERNMENT OF NEW ENGLAND.

Lowell's History of the Quakers.

CHARLES R.

Trusty and well beloved, wee greet you well. Having been informed that several of our subjects amongst you, called Quakers, have been, and are imprisoned by you,

*NOTE. These persons being indicted stood mute; and the court ordered, "that they shall by the constable of Boston be forthwith taken out of the prison and striped from the girdle upwards, by the executioner, and tied to the cart's tail, and whiped through the town with twenty stripes and then carried to Roxbury and delivered to the constable there, who is also to ty them, or cause them in like manner to be tied to a cart's tail, and again whip them through the town with ten stripes; and then carried to Dedham, and delivered to the constable there who is again in like manner to cause them to be tied to the cart's tail, and whipt with ten stripes through the town, and from thence they are immediately to depart this jurisdiction at their peril."—*Hazard's Historical Collections*.

whereof some of them have been *executed*, and others (as hath been represented unto us) are in danger to undergo the like; We have thought fitt to signifie our pleasure in that behalf for the future; and do hereby require, that if there be any of those people called *Quakers* amongst you, now already condemned to suffer *death*, or other corporal punishment, or that are imprisoned, and obnoxious to the like condemnation, you are to forbear to proceed any farther therein; but that you forthwith send the said persons (whether condemned or imprisoned,) over into this our Kingdom of England; to gather the respective crimes or offences laid to their charge; to the end that such course may be taken with them here as shall be agreeable to our Laws, and their demerits; and for so doing, these our letters shall be your sufficient warrant and discharge.

Given at our court at Whitehall, the 9th day of September, 1661, in the 13th year of our reign.

By his Majesty's command,

WILLIAM MORRIS.

The superscription to the last was as follows :

To our Trusty and well beloved *John Endicott*, Esq., and to all and every other the Governor or Governors of our plantations of New England, and all the colonies thereunto belonging, that now are, or hereafter shalbee; and to all and every the Ministers and Officers of our said plantations and Colonies whatsoever, within the *Continent of New England*.

Massachusetts Records, passed 27th 9th month, 1661.

At this court, a letter from the King's Majesty was read in court, bearing date the 9th day of September last, in the thirteenth year of his Majesty's Reign, in and by which his Majesty's pleasure in relation to the people called *Quakers* was signified, and

After the court's due perusal and consideration thereof,

they proceeded to declare the just and necessary rules of our government and condition for preservation of religion, order, and peace, hath induced the authority here established from time to time, to make and sharpen laws against Quakers, in reference to their restless intrusions and impetuous disturbances, and not any propensity or any *inclination* in *us* to *punish* them in person or estate, as is evident by our gradual proceedings with them, releasing some condemned, and others *liable* to condemnation, and all imprisoned were released and sent out of our borders; all which notwithstanding, their restless spirits have moved some of them to return and others to fill the Royal ear of our sovereign lord, the King, with complaints against us, and have by their unwearied sollicitations in our absence, so far prevailed as to obtain a letter from his Majesty to forbear their corporal punishment or death; although we hope and doubt not but that if his Majesty were rightly informed, he would be far from giving them such favour, or weakening his authority here, so long and orderly settled; Yet that we may not in the least offend his Majesty: This court doth hereby order and declare that the execution of the laws in force against Quakers as such, so far as they respect corporal punishment or death, be suspended until this court take further order.

Massachusetts Record.

This court heretofore, for some reasons induceing, did judge meet to suspend the execution of the laws against Quakers as such, so far as they respect corporal punishment or death, during the court's pleasure. Now for as much as *new complaints* are made to this court, of such persons abounding, especially in the eastern parts, endeavouring to draw others to that wicked opinion; it is therefore ordered, that the last law, tit. vagabond Quakers, May, 1661, be henceforth in force in all respects; Provided that their whipping be but through *three* towns; and the magis-

trates or commissioners signing such warrant, shall appoint both the towns, and *number of stripes* in each town to be given.

In Massachusetts Records, December 19th, 1660, will be found an address by Massachusetts colonists to King Charles II. and Parliament, asking favors and showing their grievances, from which the following, relating to Quakers, is extracted, viz :

Concerning the Quakers, open and capital *Blasphemers*, open *Seducers* from the glorious Trinity, the Lord's Christ, our Lord Jesus Christ, &c., the blessed Gospel, and from the holy Scriptures as the Rule of Life, open *Enemies* to government itself as established in the hands of any but men of their own principles, *malignant* and assiduous promoters of Doctrines directly tending to subvert both our Churches and State—after all other means for a long time used in vain, we were at last constrained for *our own safety* to pass a sentence of *banishment* against them, upon *pain of Death*; such was their *dangerous, impetuous, and desperate turbulence*, both to *Religion* and the estate civil and ecclesiastical, as that how unwillingly soever, could it have been avoided, the magistrate *at last*, in *conscience* both to *God* and man, judged himself called, for the Defence of all, to keep the passage with the Point of the sword held towards them. This could do no harm to him that would be warned thereby; their wittingly rushing themselves thereupon was their *own* act, and *we* with all *Humility* conceive a crime, bringing their *Blood* upon their own Head.

The Quakers died not because of their other crimes, how capital soever, but upon their superadded *presumptuous* and *incorrigible contempt* of *Authority*, breaking in upon us notwithstanding their *sentence of Banishment* made known to them: had they not been restrained, so far as appeared, there was too much cause to fear that *we* ourselues must haue *died*, or *worse*; and such was their *Insolency*, that they

would not be *restrained* but by *Death* : Nay, had they at last but promised to *depart the jurisdiction*, and *not to return* without leave from *Authority*, we should have been glad of such an opportunity to have said *They should not dye*.

Let not the King hear Men's words ; your servants are *true men*, Fearers of God and of the *King*, not given to change, Zealous of government and order, *orthodox* and peaceable in Israel ; we are not seditious as to the interest of Cæsar, nor *schismaticks* as to the *matters of religion* : We distinguish between churches and their *Impurities*, between a living man, though not without sickness or Infirmary, or no man ; Irregularities, either in *ourselves* or *others*, we desire to be amended. We could not live without the publick worship of God. We were not permitted the use of publick worship without such a yoke of subscription and conformity as we could consent unto without sin : that we might therefore enjoy divine worship without the human Mixtures, without offence either to God, man, or ourselves, who came away in our strength, are by reason of verry long absence, many of us become grey-headed, and some of us stooping for age.

EXTRACTS FROM THE EARLY LAWS OF THE COLONY OF
NEW PLYMOUTH.

“It was agreed upon by the whole court held the 6th of January 1627, that from hence forward no dwelling house was to be covered with any kind of thatche, as straw, reed, &c. but with either board or pale and the like to wit of all that were to be new built in the town.

January 1632—It was now enacted by public consent of the freemen of this society of New Plymouth, that if now or hereafter any were elected to the office of Governor, and would not stand to the election, nor hold and execute the office for his year, that then he be amerced in twenty pounds sterling fine ; and in case refused to be paid upon the law-

ful demand of the ensuing Governor, then to be levied out of the goods or chattles of the said person so refusing.

It was further ordered and decreed that if any were elected to the office of councell and refused to hold the place, that then he be amerced in ten pounds sterling fine, and in case refused to be paid to be forthwith levied.

It was further decreed and enacted that in case one and the same person should be elected governor a second year, having held the place the foregoing year it should be lawful for him to refuse without any amercement. And the company to proceed to a new election except they can prevail with him by entreaty.

July 1, 1633. That the person in whose house any were found, or suffered to drinke drunck, be left to the arbitrary fine and punishment of the Governor and Councell according to the nature and circumstances of the same.

That none be suffered to retale wine or strong water, or suffer the same to be druncke in their houses, except it be at some inne or victualing house, and there only to strangers at their first coming, not exceeding the value of two pence a person; and that no beer be sold in any such place to exceed two pence the Winchester quart.

That no man keep more swine than can be kept to lie ordinarily about their own houses. And if they drive them from home, to drive and keep them in such places where no detrim't may come to any thereby.

1636. That none be allowed to be house keepers or build any cottages till such time as they be allowed and approved by the governor and councill.

That none be allowed to marry, that are under the covert of parents, but by their consent and approbacon. But in case consent cannot be had, then it shall be with the consent of the Governor or some assistant to whom the persons are known, whose care it shall be to see the marriage be fitt before it be allowed by him. And after approbation be three

severall times published before the solemnising of it. Or else in places where there is no such meetings, that contracts or agreements of marriage may be published, that then it shall be lawful to publish them by a writing thereof made and set upon the usual publicke place for the space of fifteen days, provided that the writing be under some majestrats hand or by his order.

That the children and serv'ts of such as dweel neer any victualling house be not entertayned or suffered by the Mr. of the said house there to drinke and spend their time; but if any such thing can be proved, it be esteemed a misdemeanor punishable in said victualler, and to be enquired into.

It is concluded upon by the Court, that three pieces shott of distinctly one after an other shall be an allarrum. And two peeces to give warning of some house on fier.

It is concluded upon by the Court, that Mr. John Jenney shall have liberty to erect a milne for grinding and beating of corne upon the brooke of Plymouth, to be to him and his heirs forever; and shall have a pottle of corne toule upon every bushell, for grinding the same for the space of the two first years, next after the said milne is erected, and afterwards but a quart at a bushell for all that is brought to the milne for others, but if he fetch it and grind it himselfe or by his servants, then to have a pottle toule for every bushell as before.

It is enacted by the Court that there shall be a watch of foure men hyred to keepe watch at New Plymouth, at the publicke charge, for the safety of the person of the Governor. And the town of New Plymouth to add more men unto them to strengthen them as neede shall require.

1637.—It is ordered by the Court, that there shall be a guard of twelve musketiers to attend the p'son of the Governor on the Lord's day, and at other times when it shall be required.

1638.—Whereas divers persons unfit for marriage, both in regard of their yeong yeares, as also in regard of their weake estate, some practising the inveagleing of men's daughters and maids under gardians, contrary to their parents and gardians likeing, and of mayde servants, without leave and likeing of their masters: It is therefore enacted by the Court, that if any shall make any motion of marriage to any man's daughter or mayde servant, not having first obtayned leave and consent of the parents or master so to doe, shall be punished either by fine or corporall punishment, or both, at the discretions of the bench, and according to the nature of the offence.

It is also enacted, that if a motion of marriage be duly made to the master, and through any sinister end or covetous desire, he will not consent thereunto, then the cause to be made known unto the magistrates, and they to set down such order therein as upon examinacon of the case shall appear to be most equall on both sides.

It is enacted by the court that according to the former acts of this court concerning labourers wages, that a labourer shall have 12*d* a day and his dyett, or 18*d* a day without dyett, and not above throught the Govern't.

16 9.—That whosoever shall prophanely sweare or curse by the name of God or any of his titles, attributes, word or works, upon prooffe thereof made by sufficient testimony or confession of the party, he shall pay for every such default XII*d*, or be set in the stocks, so that it exceed not the space of three houers, or putt in prison according to the nature and quality of the person.

1640.—That if any persons take tobacco whilst they are empannelled upon a Jurie, to forfeit five shillings for every default, except they have given up their verdict, or are not to give yt until the next day or dep't, the court by consent.

1641.—It is enacted that every township within this gov-

ernment, do carry a competent number of peeces fix'd and compleate with powder, shott, and swords, every Lord's day to the meetings—one of a house from the first of September to the middle of November, except their be some just and lawfull impedymment.

1642.—That all Smyths within the government be compelled to amend and repaire all defective armes, brought unto them, speedily, and to take corn for their pay at reasonable rates; and the Smyth refusing, to answer it at his p'll.

It is enacted by the court, that all milners within this Govern't shall provide and keepe weights and scales in their millnes to weigh mens corne withall.

1643.—The guns and peeces allowed for service are these, vizt. musketts, firelocks, and matchcocks so that they have foure fathome of match at all tymes for every matchcock, caliver, carbines, and fouleing peeces, so that they be not above foure foote and a half long, and not under bastard muskett or caliver bore.

1644.—It is enacted, that there shall be allowed at the generall charges, a gaurd of two halberts for the safety of the Governors person at the generall court.

1646.—It is enacted by the court, that none do keepe victualling or an ordinary or draw Wyne by retayle, within this Government, but such as are allowed by the generall court, and that if any victualler or ordinary keeper do either drink drunck himself, or suffer any person to be druncken in his house, they shall pay five shillings a peece, and if the victualler or ordinary keeper do suffer any townsmen to stay drinking in his house above an hour at one tyme, the victualler or ordinary keeper shall pay for every such default *XII^d* and by drunckennesse is understood, a person that either lisp or falters in his speech by reason of much drink, or that staggers in his going, or that vomitts by reason of

excessive drinking, or cannot follow his calling. The person or persons that shall be found guilty in these or any of them, shall for the first default pay five shillings, and for the second default tenn shillings to the colonies use, and for the third tyme he shall be found faulty, to be bound to the good behaviour. And if he or they cannot or will not pay the fine or fines, then to be sett in the stocks, &c.

Whereas there is great abuse in taking of tobacco in ver-ry uncivil manner in the streets and dangerously in outhouses, as Barnes, stalls about haystacks, corne stacks and other such places, it is therefore enacted by this courte, that if any person or persons shall be founde or seene hereafter taking Tobacco publickly in the open streets of any Towne, (unless it be soldiers in time of their trayninge) or in and abouts Barnes, Stoules, hay stacks, corne stacks, hay yeards, or other such places or outhouses, that every such person or persons so offendinge, shall forfeit and pay to the Townes use, for the first default XII^d, for the second II^s, and soe for every such default afterwards II^s, and it shall be lawful and by this act warrantable for the constable of every township, without further warrant, upon sight or information thereof, to distraine his or their goods for it as doe refuse to pay it upon his demand, and to be accomptable to the Treasurer of what he receives yearly at the Election Corte.

1652.—Ordered by the Court, that whereas in regard of age or disabillitie of bodie, urgent occations and other inconveniencies that do accrew, sundrey of the freemen are hindered that they cannot appear att courts of election in consideration whereof, it is ordered and enacted by the court, that any freemen of this corporacon, shall have libertie to send his vote by proxey for the choise of Governor, Assistants, Commissioners, and Treasurer.

1657.—It is ordered by the court, that in case any shall bring in any Quaker, Rantor or other notorious heritiques,

either by land or water into any p'te of this government, shall forthwith upon order from any one magistrate, returne them to the place from whence they came, or clear the gov'tment of them on the penaltie of paying a fine of twenty shillynges for every weeke that they shall stay in the Government after warninge.

1658.—The chiefe marshall is allowed twenty make p. annum for his wages, besides his ordinary fees allowed by the court.

The Fees of the Chief Marshall allowed by the court.

	£.	s.	d.
It. for serving of an Execution, - -	00	5	00
It. for his journey about it, 2d p. mile, -	00	00	00
It. for serving an attachment, - -	00	2	6
It. for a comitment, - - -	00	2	6
It. for imprisonment, 2s. 6d. per day, -	00	00	00
It. for every action that is entered, - -	00	00	6
It. the one halfe of all fines not exceeding	00	6	00

It is enacted by the court, that the chiefe marshall shall have two shillings in the pound for gathering of fines, &c. if they bee not brought in by the p'ties themselves.

The under marshall is allowed twenty nobles p. annum, besides his fees allowed by the court.

It is enacted by the court, that the public officers' wages shalbee paid in corn.

Enacted, that every towne that that shalbee defective in the want of a drum att any time for the space of two monthes, shall forfeit the sume of forty shillings to the collonies' use; that shalbe defective in Coulbers the space of six monthes, four pounds.

1659.—It is enacted by the court, that every cunstable of this jurisdiction, shall have a cunstable staffe, whereby to distinguish them in their office from others, and to bee pro-

vided by the treasurer, and to bee delivered by the foregoing cunstable to him that succeeds yearly.

For as much as many p'sons are greatly corrupted with the Quakers' doctrines, by reading their bookes, writings, or epistles, which are sent and distributed into sundry places within this jurisdiction, it is therefore enacted by the court and the authoritie thereof, that encase the cunstable or grandjurymen or marshall shall finde or heare of any Quakers' bookes, epistles, or writings, hee shall seize on them and pr'sent them to a magistrate or the next court.

1661.—It is enacted by the court and the authoritie thereof, that henceforth no p'son or p'sons shall p'mit any meetings of the Quakers to bee in his house or housing, on the penaltie of being sumoned to the generall court, and there being convicted thereof, shalbe publicly whipt or pay a five pounds to the collonies use.

1662.—The court proposeth it as a thing they judge would be very comendable and beneficiall to the townes where God's providence shall cast any whales, if they should agree to sett apart some p'te of every such fish or oyle for the incouragement of an able and godly minister amongst them.

1665.—Whereas complaint is made unto the court of great abuse in sundry townes of this jurisdiction, by p'sons their behaving themselves, prophanely, by being without doores att the meeting house on the Lord's daies, in time of exercise, and there misdemeaning themselves by jesting, sleeping, or the like; it is enacted by the court, and hereby ordered, that the constables of each township of this jurisdiction, shall in their respective townes, take speciall notice of such p'sons and to admonish them, and if notwithstanding they shall p'sist on in such practices, thatt hee shall sett them in the stockes, and incase this will not reclaim them, that they returne their names to the court.

1668.—It is enacted by the court, that all the Kinge's highwayes within this gov'ment shalbe forty foot in breadth at the least.

1669.—It is enacted by the court, that all such lycenced ordinaries shall not suffer prophane singing, daunceing, or revelling in their houses, on the penaltie of ten shillings for every default, and that all ordinary keepers be ordered to keep good beer in their houses to sell by retaile, and that some one in every towne bee appointed to see that the beer they sell be suitable to the prise they sell it for.

Whereas great inconvenience hath arisen by single p'sons in this collonie being for themselves, and not betaking themselves to live in well governed families, it is enacted by the court, that henceforth noe single p'sons be suffered to live of himself or in any family, but as the Celect men of the towne shall approve of, and if any p'son or p'sons shall refuse or neglect to attend such order as shalbe given them by the Celect men, that such p'son or p'sons shalbe sumoned to the court to be proceeded with as the matter shall require.

It is enacted by the court, that any p'son or p'sons that shalbe found smoaking Tobacco on the Lord's day, going too or coming from the meetings, within two miles of the meeting house, shall pay twelve pence for every such default to the collonie's use.

For the prevention of the prophanation of the Lord's day, it is enacted by the court and the authoritie thereof, that the Celect men of the severall townes of this jurisdiction, or any one of them, may or shall as there may be occasion, take with him the cunstable or his deputie, and repaire to any house or place where they may suspect that any slothfully doe lurke att hom or gett together in companie to neglect the publicke worship of God, or prophane the Lord's day, and finding any such disorder, shall returne the

names of the p'sons to the next court, and give notice alsoe of any prticular miscarriage that they have taken notice of, that it may be enquired intoe.

1671.—It is enacted by the court, that noe rum shalbe sold in this gov'ment to exceed in prise above five shillings a gallon, or if retailed, towo pence a gill.

1673.—It is enacted by the court, that on the sixt day of the weeke, in October court and July court, and att noe other courts or other dayes in those weekes, shall Indian business be attended by the court to the prejudice of the other occations of the court and countrey.

1675.—It is ordered by the court, that foure halberteers be in a reddiness to attend the Gov'r and assistants on days of Election yeerly, and two after the Election is over, all the time which that court contineweth.

It is ordered by the court, that whosoever shall shoot of any gun on any unnessesarie occation, or att any game whatsoever, except att an Indian or a wolfe, shall forfeite five shillings for every such shott, till further libertie shalbe given.

1677.—Whereas by frequent and sad experience, great disorder acrews by the great concourse of Indians unto Plymouth in court times, in that very oftens they drinke themselves drunke, whereby God is much dishonored and sober minded men offended; it is ordered by the court, that all Indians be prohibited from appeering att Plymouth in court times, except upon speciall occations, without order from some one of the magistrates of this Jurisdiction, or a Celect man, on paine of the payment of a fine of five shillings for any that shall appeer without a certifcate as aforesaid, or be publicly whipt.

It is enacted by the court, that all such p'sons in this gov'ment who have served under comission in the late Warr

against the natives, shall not be compellable to serve in the Milletary company in any lower capacitie than commission officers; and those officers who served in lower degree, shall return to theire former stations.

1678.—For the preventing of prophanes increasing in the collonie, which is soe provoaking to God and threatening to bringe judgments upon us, it is enacted by the court as an addition to our printed order, chapter 9th, folio 30th, that none shall come to inhabite without leave, &c., and if any have or shall att any time intrude themselves to inhabite any where within this collonie, not attending the aforesaid order, shall forthwith be warned to be gon out of the collonie, which if they shall not speedily doe, then every such offender shall pay five shillings p. weeke for every weeke's continuance in this collonie, after warning to be gon.

1685.—Voted, that Indian corne, for defraying publicke charge and payeing all publicke officers, be att two shillings sixpence pr. bushell.

That the secretary's wages be fifteen pounds a year, in corne, at two shillings pr. bushell.

1689.—Ordered by this court and the authority thereof, that if any person, English or Indian, apprehend and bring before authority, any man that is an Indian Enemy, he shall have ten pounds for a reward if he bring him alive, and five pounds if killed, provided it be evident it be an Enimie Indian.

CAPITAL LAWS OF THE COLONY OF NEW PLYMOUTH, REVISED AND PUBLISHED BY ORDER OF THE GENERAL COURT IN JUNE, 1671.

1. It is enacted by this court and the authority thereof, that if any person having had the knowledge of the true God, openly and manifestly, have or worship any other God but the Lord God, he shall be put to Death.—Exod. 22: 20. Deut. 13: 6, 10.

2. If any person within this jurisdiction, professing the true God, shall wittingly or willingly presume to Blaspheme the Holy name of God, Father, Son, or Holy God, with direct, express, presumptuous, or high-handed Blasphemy, either by wilful or obstinate denying of the true God, or his Creation or Government of the World; or shall curse God, Father, Son, or Holy Ghost, such person shall be put to Death.—Levit. 24 : 15, 16.

3. Treason against the Person of our Sovereign Lord the King, the State and Common-Wealth of England, shall be punished by Death.

4. That whosoever shall conspire and attempt any Invasion, Insurrection, or Publick Rebellion against this jurisdiction, or the surprisal of any Town, Plantation, Fortification, or Amunition, therein provided for the safety thereof, or shall Treacherously and perfidiously attempt and endeavour the alteration and subversion of the Fundamental frame and constitution of this Government, every such person shall be put to Death.

5. If any person shall commit wilfull murther by killing any Man, Woman, or Child, upon premeditated malice, hatred, or cruelty, not in a way of necessary and just defence, nor by casualty against his will; he shall be put to Death.

6 If any person slayeth another suddenly in anger and cruelty of passion; he shall be put to Death.

7. If any person shall slay another through guile, either by Poysoning or other such Devlish practices; he shall be put to Death.

8. If any christian (so called,) be a Witch, that is, hath, or consulteth with a familiar spirit; he or they shall be put to Death.

9. If any person lyeth with a Beast or Bruit creature, by carnal copulation, they shall surely be put to Death, and the Beast shall be slain and buried and not eaten.

10. If any man lyeth with mankinde, as he lyeth with a

Woman, both of them have committed abomination; they both shall surely be put to Death, unless the one party were forced, or be under fourteen years of age: and all other sodomitical filthiness, shall be surely punished according to the nature of it.

11. If any person rise up by false witness, wittingly and of purpose to take away any man's life; he shall be put to Death.

12. If any man stealeth man-kinde, he shall be put to Death, or otherwise grievously punished.

13. If any child or children above sixteen years old, and of competent understanding, shall curse or smite their natural Father or Mother; he or they shall be put to Death, unless it can be sufficiently testified, that the Parents have been very unchristianly negligent in the Education of such children, or so provoked them by extreme and cruel correction, that they have been forced thereunto, to preserve themselves from Death or Maiming.

14. If a man have a stubborn or rebellious son, of sufficient years and understanding, (viz.) sixteen years of age, which shall not obey the voice of his Father, or the voice of his Mother, and that when they have chastened him, will not hearken unto them; then shall his Father and Mother, being his natural parents, lay hold on him, and bring him before the magistrates assembled in court, and testifie unto them, that their son is stubborn and rebellious, and will not obey their voice and chastisement, but lives in sundry notorious crimes; such a son shall be put to Death, or otherwise severely punished.

15. If a man shall ravish a Maid or Woman, committing carnal copulation with her by force; that is above the age of ten years, or if shee were under ten years of age, though her will was gained by him, he shall be punished with Death or some other grievous punishment, according as the fact may be circumstanced.

16. Whosoever shall wilfully or on purpose, burn any

House, Ship, Barque, or other Vessel of considerable value; such person shall be put to death, or otherwise grievously punished, as the case and circumstances of it may require.

CRIMINALS.

It is Enacted by this court &c., that whosoever shall commit Adultery with a married Woman, or one betrothed to another man, both of them shall be severely punished, by whipping two several times, viz. once, when the court is in being, at which they were convict of fact, and the second time, as the court shall order; and likewise to wear two capital letters A. D., cut out in cloth and sewed on their uppermost Garments, on the Arm or Back; and if at any time they shall be found without the said Letters so worne, whilst in this government, to be forthwith taken an publickly whipt, and so from time to time, as often as they are found not to wear them.

Be it also enacted, that whosoever committeth Fornication before, or without lawful contract, shall be punished by whipping, or else pay ten pounds fine each of them, and be imprisoned during the pleasure of the court, not exceeding three days; but if they be, or will be married to each other, then but ten pounds both, and imprisoned as aforesaid, by lawful contract, the court understanding the mutual consent of Parents, Guardians or overseers, and a solemn promise of marriage made to each other by the parties, before competent witnesses.

And if any commit carnal copulation after contract, before marriage, they shall be amerced each of them fifty shillings; and be imprisoned if the court see reason; and if any cannot or will not pay, then to be punished by whipping. And for the more discountenancing this prevailing evil; the court hath further determined, that such as transgress in any of these ways, shall be convict in public court, and their fines to be paid in money.

It is ordered by this court and authority thereof, that if

any person shall commit burglary, by breaking up any dwelling house or ware-house, or shall forcibly rob any person in the Field or Highways; such offenders shall for the first offence, be Branded on the right Hand with the letter B. and if he shall offend in the same kind the second time, he shall be Branded on the other Hand and be severely whipped; and if either were committed on the Lord's day, his Brand to be set on his Forehead; and if he shall fall into the like offence the third time, he shall be put to Death, as being Incorrigible, or otherwise grievously punished, as the court shall determine.

This court taking notice of great abuse, and many misdemeanours committed by divers persons in these many ways, profaneing the Sabbath or Lord's day, to the great dishonour of God, reproach of Religion, and grief of the spirits of God's people, Do, therefore order, that whosoever shall profane the Lord's day, by doing unnecessary servile work, by unnecessary travailing or, by sports and recreations, he or they that so transgress, shall forfeit for every such default forty shillings, or be publicly whipt; but if it clearly appear that sin was proudly, presumptuously and with a high hand committed, against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord, shall be put to Death, or grievously punished at the judgment of the court.

And whosoever shall frequently neglect the public worship of God on the Lord's day, that is approved by this government, shall forfeit for every such default convicted of, ten shillings, especially where it appears to arise from negligence, idleness or prophaness of spirit.

It is ordered, that whosoever shall defame any court of justice, or any of the magistrates or judges of any court in this jurisdiction, in respect of any act or sentence therein passed; every such offender, upon due proof made, shall be by the court of magistrates, punished by fine, imprisonment, binding to the peace or good behaviour, according to the

guilty and measure of the offence or disturbance, to them seeming just and equal.

It is enacted by this court &c., that no person in this government, shall wear any Vizards,* or disguise any strange apparel, to lacivious and evil ends and purposes, on penalty of being fined fifty shillings to the colonies use, for every such default, or being publicly whipped or bound to the good behaviour, as the court may see reason.

Whereas, notwithstanding all the care and endeavours of this court, to prevent that great and raging sin of Drunkenness; yet still many goe on in it;

Therefore this court doth further enact, that the names of such as are found to be common drunkards in this government, shall be inrouled or recorded; and that whatever person or persons, whether ordinary keepers or others, shall give, sell, or lend, either directly or indirectly any strong Liquors, or wine, or strong Beer, unto any such person or persons, shall forfeit ten shillings, five shillings to the colonie's use, and five shillings to the informer. And the names of such as are so found in any town, shall be set up in some public place.

And forasmuch as some have been injured by careless taking of tobacco abroad in the streets and near unto Barns, Stables, hay Stacks or corn-ricks; it is hereby ordered, &c. that whosoever shall be found smoaking of Tobacco in the streets, or in such places of danger, shall forfeit to the poor of the town, two shillings for every such default, which the constable may without further warrant, distrain and dispose of; and if it can be known that damage did accrue unto any by such careless smoaking of tobacco, it shall be repaired by him that was the occasion of it, or he shall be made to serve it out. Souldiers whilest in Arms, are dispensed with to smoak in the field.

* Visors.

CIVIL LAWS.

It is ordered, that whosoever of the Freemen, do not appear at Election in person or by proxy, he shall be for such neglect, amerced to the treasury ten shillings.

If any Freeman of this corporation shall be discovered to be notoriously vitious or scandalous, as common lyars, Drunkards, Swearers, Apostates from the fundamentals of Religion or the like, or doth manifestly appear to be disaffected to this government, upon legal conviction of all or any of these, it shall be in the power of the general court to disfranchise him if they see cause, from the priviledge of a Freeman.

It is ordered, that every constable shall have Black Staffe tipped with Brasse, as a badge of his office, which, as he hath opportunity, he shall take with him when he goeth to discharge any part of his office, yet notwithstanding, the want of his staffe shall not hinder him from executing his office in any kinde, if occasionally he be without it, nor exempt any from assisting him therein, that may know him to be the constable.

It is ordered, &c. that every town in this government, shall have and keep baited and well tended, two Woolf traps in fit seasons, on penalty of five pounds.

It is further enacted by this court, &c. that if any man be sent forth as a souldier, and be so maimed in the service, that he is disabled from following his occasions, he shall be maintained by the colony whilst he lives, according to his quality, and the capacity in which he served; and when dead, shall have the burial of a souldier.

It is ordered, that whosoever is Licenced to keep a public house of entertainment, shall be well provided of Bedding to entertain strangers and travellers, and shall also have convenient pasturing for Horses, and hay and provinder for their entertainment in the Winter, and shall not be without good

beer; and if any ordinary keeper do frequently fail in any or all of these, upon complaint, he shall lose his License.

It is further enacted, that no in-keeper or ordinary in this government, shall sell Beer for more than two pence the ale quart, upon penalty of three shillings and four pence for every such offence; nor shall any Vintner or Tavern, gain more than eight pence upon the quart in any Wine or strong Waters that they retail, more than it cost them by the butte or caske as they bought it, on penalty of twenty shillings forfeiture for such offence duly proved.

And it is further enacted, that no single person, labourer or other, shall be dieted in any Inne or Ordinary in the town to which he belongeth.

And it shall and may be lawful for any man to seize any Liquor, cyder or Wine, found in the custody of an Indian or Indians, and have it for his pains, provided he bring the said Indian or Indians before a magistrate, or the selectmen of the town, to be further examined about it.

Whereas divers unruly persons, servants and others in several places of this colony, meet together to walk about in the night, to drink, revel or pilfer; the same tending to the corrupting and debauching of the youth; and many offend and prejudice the peaceable inhabitants of the several towns; for prevention whereof,

It is ordered by this court and the authority thereof, that all persons walking in the fields or streets after nine or ten o'clock at night, unless known peaceable and orderly inhabitants, shall be liable to be examined by the selectmen, constable or watch of the town: or if complained on by any other person of the town, and if they cannot give a satisfactory reason for their so doing, he or they shall be had before some magistrate or other person authorized, who upon the hearing of the case, it appear they have been rude or unreasonably drinking, revelling, gaming, sporting or any ways disturbing, or if it be servants or children, and it be without their Parents or Masters leave, they shall for

the first offence be admonished, or pay five shillings to the country, or sit in the stocks an hour ; and if transgress a second time, to pay ten shillings, or be whipt with ten lashes, and so from time to time, as often as they transgress."

EXTRACTS FROM THE APPENDIX TO THE LAWS OF THE
COLONY OF NEW PLYMOUTH.

" Conditions upon which the English at Leyden who intended to remove to America, engaged with some merchants in England, who were to be joint adventurers with them.

I. The adventurers and planters doe agree, that every person that goeth, being sixteen yeers old and upwards, bee rated at tenn pounds, and that tenn pounds be accounted a single share.

II. That he that goeth in person and furnisheth himself out with tenn pounds, either in money or other provisions, be accounted as having tenn pounds in stocke, and in the division, shall receive a double share.

III. The persons transported, and the adventurers, shall continue their joint stocke and partnershipe, the space of seaven yeres, except some unexpected impediments do cause the whole company to agree otherwise ; during which time all profits and benefitts, that are gotten by trade, trafficke, trucking, working, fishing, or any other means, of any other person or persons, remaine still in the common stocke, until the division.

IV. That at their coming, they shall chuse out such a number of fit persons as may furnish their shipes and boats for fishing upon the sea : imploying the rest in their several facultyes upon the land, as building houses, tilling and planting the ground, and making such commodities as shall be most useful for the colony.

V. That at the end of the seaven yeeres, the capital and profits, viz. the houses, lands, goods and chattels, be equally

divided amongst the adventurers: if any debt or detriment concerning this adventure, ——*

VI. Whosoever cometh to the colony hereafter, or putteth any thing into the common stocke, shall, at the end of the seaven yeeres bee allowed proportionably to the time of his soe doing.

VII. He that shall carrie his wife or children, or servants, shall be allowed for every person, now aged sixteen yeeres and upward, a single share in the division; or, if he provide them necessaries, a double share; or if they be between tenn years old and sixteen, then two of them to bee reconed for a person, both in transportation and division.

VIII. That such children that now goe, and are under age of ten yeeres, have noe other share in the division, than fivety acres of unmanured land.

IX. That such persons as dy before the seaven yeeres be expired, their executors to have their parts or share at the division, proportionably to the time of their life, in the colony.

X. That all such persons as are of the colony, are to have meat, drinke and apparel, out of the common stocks and goods of the said colony."

" SUBMISSION OF INDIAN SACHEMS.

September 13, Anno Dom. 1621.

Know all men by these presents, that we, whose names are underwritten, do acknowledge ourselves to be the royal subjects of King James, King of Great Britain, France and Ireland, defender of the faith, &c. In witness whereof, and as a testimonial of the same, we have subscribed our names or markes as followeth.

Ohquamehud,	Nattawahunt,	Quadaquina,
Cawnacome,	Caunbatant,	Huttmoiden,
Obbatinnua,	Chikkatabak,	Appannow.

* "Here something seems to be wanting, which cannot now be supplied."—*Belk. Amer. Biog.* II. 128.

"ESTABLISHMENT OF A MILITARY COMPANY.

August 29, 1643.

The court hath allowed and established a military discipline to be erected and mayntained by the towns of Plymouth, Duxborrow, and Marshfield, and have also heard their orders and established them, viz :

ORDERS.

1. That the exercise be always begun and ended with prayer.

2. That there be one procured to preach them a sermon once a yeare, viz. at the Eleceon of their officers, and the first to begin in Sept'r. next.

3. That none shalbe received into this millitary company but such as are of honest and good report and freemen, not servants, and shall be well approved by the officers and the whole company or the major part.

4. That every person, after they have recorded their names in the millitary list, shall from tyme to tyme be subject to the comaunds and orders of the officers of this Millitary Company in their places respectively.

5. That every delinquent shalbe punished at the discretion of the officers, and the Millitary Company or the major part thereof, according to the order of Millitary discipline and nature of the offence.

6. That all talking and not keeping sylence during the time of the exercise, jereing, quarrelling, fighting, dept'ing. collers w'thout lycence or dismissal &c. or any other misdemeanor, (so adjudged to be by the officers and the company or the maj'r. p't. thereof) to be accounted misdemeanors to be punished as aforesaid.

7. That every man that shall be absent (except he be sick or some extraordinary occation or hand of God upon him) shall pay for every such default II's. And if he refuse to pay it upon demaund or within one month after, then to

appear before the company, and to be distrayned for it and put out of the list.

8. That if any man shall (upon the dayes appoynted) come w'thout his armes or with defective armes, shall forfeit for every trayneing day as followeth:

For want of a musket or peece approved every time *VId.*

For want of a Sword, *VId.*

For want of a Vest, *VId.*

For want of Bandeliers, *VId*

Six months tyme given to provide in.

9. That every man that hath entered himself upon the military list, and hath not sufficient armes and doth not or will not pr'cure them within six months next ensuing, his name to be put out of the list.

10. That there be but sixteene pikes in the whole company (or at the most for the third p't.) viz. VIII for Plymouth, VI for Duxborrow and II for Marshfield.

11. That all that are or shalbe elected chiefe officers in this Military Company, shall be so titled and forever afterwards be so refuted, except he obtayne a higher place.

12. That every man entered into the millitary list, shall pay *VId* the quarter to the use of the company.

13. That when any of this Millitary Company shall dye or depart this life, the company upon warneing, shall come together with their armes and inter his corpes as a souldier and according to his place and quallytye.

14. That all that shalbe admitted into this Military Company, shall first take the oath of fydellyty if they have not taken it already or els be not admitted.

15. That all postures of pike and musket, motions, rankes and files &c. messengers, skirmishes, seiges, batteries, watches, sentinells &c. bee alwayes p'rformed according to true military discipline.

16. That all that will enter themselves upon this company shalbe propounded one day, received the next day if they be approved.

The Rev'd. Roger Williams the subject of the following record was an Englishman of high standing, not only in his native country, but in the wilds of America. In 1631 disliking the formalities of the Church of England, he seceded from it and joined himself to the dissenters and fled to this country, to avoid the persecutions that then raged violently in England, civil and religious liberty were then strangers in New England, and Mr. Williams advocated them with an intrepidity that awakened the attention of the more rigid of the opposition and of many of his friends, on his arrival in this country, he first located himself at Boston, but at the time of his trial resided at Salem, where he had the charge of a large church and congregation, who esteemed him for his strong powers of mind, highly cultivated; his purity of character as a christian teacher, for his liberal and enlarged views on the subject of civil and religious liberty, with his accustomed pious frankness, he did not hesitate to advance his sentiments unreservedly, and denied the right of the civil magistrates to govern or legislate on ecclesiastical affairs.* Which soon caused him to be arraigned upon the charges hereto annexed, and for which he was in October 1635, tried and sentenced to banishment from the colony. But the Court who had so unjustly banished him, still possessing too much of the milk of human kindness to drive Mr. Williams at that season of the year with his family, into the wilderness at the mercy of the savages, gave him liberty to remain in the colony until the next spring, upon condition that he should not disseminate his doctrines and opinions to their citizens—which favor he gladly accepted, and remained there until the January following, when he was informed, that his accusers were about to send him back to his persecutors in England, he therefore forthwith made his escape from Salem, in the midst of winter, and fled to the Indians in Rhode Island, where he was kindly and favorably received,

* Winthrop.

by the chief Sachem at Mount Hope, who made him a grant of a valuable tract of land at *Secunk*, but even on this favored lot of his refuge, he was not long suffered to remain but was ordered by the colonist to cross the river, they claiming the lands upon which he was then located as belonging to the colony of Massachusetts. He accordingly in the spring (with his servant) crossed the river where he once more planted himself, and laid the foundation of the now city of Providence, where he resided many years, an instrument in the hands of the Lord, to protect the lives, liberty, and property of his persecutors in the colony from which he was banished; from the scalping knife and tomahawk of the ruthless savage, over whom he had gained an influence and control by his kindness to them, he alone was enabled to conciliate the angry passions and revengeful dispositions of the Indians about him, and save the bloodshed of the Massachusetts colonists. Mr. Williams soon after he formed his colony at Providence, became Law-giver and Minister to his infant colony, and formed his constitution upon the broadest principles of civil and religious liberty, and equal rights, and was the first Governor in North America, "who held liberty of conscience to be the birthright of man." Roger Williams was the first founder of a Baptist Church in America, which took place in the year 1639 less than two centuries since, and that little band of Christians with that pious Father at their head now number in the United States 452,000 members, all of which important facts and events with many others equally interesting originated from the following Record.

Record of trial and charges, vs. Rev. Roger Williams.

* At a general court, July 8th, 1635, Mr. Williams of Salem, was summoned, and did appear. It was laid to his charge, that being under question before the magistracy

* Winthrop's Journal.

and churches for divers *dangerous opinions*, viz., 1. That the magistrate ought *not* to *punish the breach of the** *first table*, otherwise than in such case as did disturb the civil peace. 2. That he ought not to tender an oath to an *unregenerate* man. 3. That a man ought not to *pray with such*, though wife, children, &c. 4. That a man ought not to give thanks *after sacrament, nor after meals*; and that the other churches were about to write to the church of Salem to admonish him of these errors, understanding the church had called him to the office of a teacher. The said opinions were adjudged by all the Magistracy and Ministers, (who were desired to be present,) to be erroneous, and very dangerous, and the calling of him to office at that time, was adjudged a *great contempt of authority*. So in fine, there was given to him and the church of Salem to consider of these things till the next General Court, and then either to give satisfaction to the court, or else to expect the sentence; it being professedly declared by the ministers, (at the request of the Court, to give their advice,) that they who should obstinately maintain such opinions, (whereby the church might come into heresy, apostacy, or tyranny, and yet the civil magistrate could not intermeddle,) were to be removed, and that the other churches ought to request the magistrate so to do.

In this whole affair we cannot fail to discover the superintendence of a wise and holy providence causing the wrath of man to praise him, and restraining that portion of which that would not work his glory.

The parallel in some important points is striking between the persecutions inflicted on Joseph by his brethren, and the persecutions of Williams by his brethren in Massachusetts. Joseph was wickedly banished to a land of strangers by his brethren, because they envied him on account

* First Commandment—"Thou shalt love the Lord thy God with all thy heart."

of the superior light communicated to him from on high. So Williams was envied by his brethren for the same reason, for he was in advance of the age in which he lived, and the envy of his brethren carried out, resulted in his banishment to a dreary wilderness in the midst of winter, subject to the caprice of merciless savages.

Of Joseph it is said—"God was with him" in his exile, and gave him favor with the rulers and people. So was it with Williams in his banishment in a most remarkable degree, insomuch, that penetrated with a consciousness of this truth, that he named the place of his refuge, "*Providence*," which name continues to *mark the spot* to this day. In the case of Joseph, the sacred historian informs us, that although his brethren "meant it for evil," yet "God meant it for good, to save much people alive," and to carry forward his purposes of mercy, by making Joseph the saviour of much people. So in the case of Williams, God was pleased to allow the unholy wrath of his brethren to burn against this eminent philanthropist, statesman, and servant of his, on the account of his superior light, and more enlarged views of civil and religious liberty, until it resulted in the entire severance of Williams from them and their order.

This opened the way for his laying the foundation of an independent state government, based on the broad principles of civil and religious liberty. Such as the world till then had never seen or known.

Joseph became honored in his exile as the saviour of his people, while the pride of his elder brethren was humbled. So Williams from the elevated stand which he occupied in the confidence, and affections of the red men around him, was enabled at the fearful onset, when the restless spirit of some of the Massachusetts colony, had incited the Indians to wage a war of extermination against that colony, to interpose his friendly offices and save them from impending ruin. At the salutation of his persecutors, now terror

stricken by the invasion of the merciless foe, Williams meekly takes his life in his hand, *alone* and *unarmed*, except with his staff, prompted by a spirit of genuine benevolence, penetrated even to the centre of the savage encampment, as the Indians were just ready to fall upon their prey, and succeeded in negotiating a peace for his envious and persecuting brethren, and thus he saved them alive in the hour of peril.

The same is true in this case, as in another. "This poor wise man, by his wisdom, saved the city, yet no one remembered this poor wise man."

The charges were not finally tried and closed, until October following the above date, when the trial closed, and the following is the record.

Massachusetts Records, 1635.

"Whereas Mr. Roger Williams, one of the elders of the church of Salem, hath broached and divulged divers new and dangerous opinions, against the authority of magistrates, as also written letters of defamation both of magistrates and churches here, and that before any conviction, and yet maintaineth the same without retraction: It is therefore ordered, that the said Mr. Williams shall depart out of this jurisdiction within six weeks now next ensuing, which, if he neglects to perform, it shall be lawful for the Govr. and two of the magistrates, to send him to some place out of this jurisdiction, not to return any more, without licence from the court."

Massachusetts Record, 1644.

"Richard Waterman, being found *erroneous, heretical and obstinate*, it was ordered, that he should be detained prisoner till the quarter Court in the seventh month, unless five of the magistrates find cause to send him away, which

if they do, it is ordered, he shall not return within this jurisdiction upon *pain of death*."*

* There are many cases of banishment for heresy upon those ancient records, which often reminds me of the golden remark of a learned theologian.

"To *banish*, imprison, starve, hang and burn men for their religion, is not the gospel of Christ but the gospel of the Devil. Where persecution begins, christianity ends; and if the name of it remains, the spirit is gone. Christ never used any thing like force or violence except once, and that was to drive bad men out of the temple and not to drive them in."—*Jortin*.

BLUE LAWS OF CONNECTICUT.

A true copy of the ancient record of the colony of Connecticut, commencing at Newtown, (now Hartford,) April 26, A. D. 1636, as literally transcribed by the compiler, which is three years before even a Governor was chosen over the colony of Connecticut, and at the date above, was composed of what is now called Hartford, Wethersfield and Windsor. Embracing the decisions of Courts, Acts of the General Court or Legislature, for nearly three years.

At a court holden at Newtown, 26th April, 1636—Roger Ludlow Esqr., Mr. Westwood, Mr. Steele, Mr. Ward, Mr. Phelps.*

It is ordered, that from henceforth, none that are within the jurisdiction of this court, shall trade with the natives or Indians, any piece, or pistol, or gun, or powder, or shot, under such heavy penalty as uppon such misdemeanour, the court shall think meet.

Constables sworn for Dorchester, (now Windsor,) Newtown, (now Hartford,) and Watertown, (now Wethersfield,) for this next year and untill new be chosen, are Henry Wolcott for Dorchester, Samuel Wakeman for Newtown, and Daniel Jinch for Watertowne.

* Court of Magistrates then formed the General Court.

Whereas, there was a dismission granted by the town of Watertowne, in the Massachusetts, dated the 29th day of March last, to Andrew Warde, Jo. Sherman, Jo. Strickland, Robert Coe, Robert Reynold, and Jonas Weed, with intent to joine anewe in a church covenante in this river of Connecticutt, the said parties have soe accordingly done with the publicke allowance of the rest of the members of the said churches as by certificate now produced, appears. It is now therefore, in this present court ratified and confirmed, they promising shortly, publicklee to renewe the said covenant uppon *notice* to the rest of the churches.

At a Court held at Dorchester, June 7th, 1636, Mr. Ludlow, Mr. Westwood, Mr. Phelps, Mr. Ward, (*Judges.*)

It is ordered that there shall be a sufficient watch maintayned in every towne, and that every Constable of each towne, shall duely warne the same, and see that the Inhabitants or residents doe severally in their turn, observe the same, according as the Inhabitants do agree, which said watch shall begin and end with the courte or Magistrates shall think meete.

It is ordered, that Samuel Wakeman and George Hubbard shall survey the breadth of the plantation of Dorchester, how far it shall extend above Mr. Stiles's, and shall notifie unto the next Courte, their proceedings therein, to the end that they may be then confirmed, and that they shall have from the said towne satisfaction for their paynes. And the said Samuel Wakeman shall doe the same for Watertowne in their breadth towards the mouth of the river, and have the like satisfaction, and this to be done without fayle before the next court, uppon penalty of 40 shillings of each head that shall fayle therein.

It is ordered, that every souldier in each plantation shall have in his house in readiness, before the end of August next, two pounds of powder, and that they shall shew yt uppon the penaltee of x. s. for every fayling in this, pre-

sentlee to be levied by the said Constable without resistance, as also, twenty bulletts of leade in the like readiness, uppon the same penalty, and in the same manner to be levied.

At a Court held att Watertowne, 1o. 7br. 1636.

Roger Ludlow Esq.

Mr. John Steele,

Mr. Wm. Swaine,

Mr. Wm. Phelps,

Mr. Andrew Warde,

Mr. Wm. Westwood.

It is ordered that the order concerning powder and bulletts of the 7th of June last, be now presentlee published in the several Plantations, and that there be a respite given, untill the end of this instant month, and then to be put in execution without fayle.

It is ordered, that every Plantation shall trayne once in every month, and if upon complaint of their military officer, It appears that there be diverse very unskilfull, the said plantation may appoint the said officer to trayne oftener, the said unskilfull. And that said officer take view of their arms, whether they be serviceable or noe, and in default of every soldiers absence, the absent to pay 5s. for every tyme, without lawful excuse within two days after, tendered to the company, or one of them, in the said plantation; and for any default in arms, after warning, to them by the said Officer to amend the same, and a tyme sett, and if not then amended by the tyme appointed, to pay 1s. every tyme, and where arms are wholly wanting, to be bound over to answer it at the next courte.

It is ordered by consent of — Seely Plant. against the Inhabitants of the Towne of Watertowne Deft's that a Juror shall be withdrawn, and that the Deft's do undertake to produce an order wherein they will make it appear if the Inhabitants of the said Town did not remove with their families to Connecticutt by the end of this instant month or els there was noe propriety due to to them in the dividend of the lands of the said towne, and that the hand or the con-

sent of the said William Bassum is thereunto, and if the said Order be not produced here to the Courte by the second Courte after this, the Inhabitants are to pay the Plaintiff damages.

Seely Plaintiff,—Inhabitants of Watertown, Deft's.—The Jury find for the Pl'ff—That he is to have as an adventurer and as a man, that was in the condition that Bassum, under whome he claymes was in.

Guilford, June 16th, 1665.

This is to certify, all whome it may concern, that upon his certain knowledge (by the advice of the Court) Weathersfieldmen gave so much unto Lowheag as was to his satisfaction for all their plantations lying on both sides of the great river with the Islands, to wit, six miles in breadth on both sides of the river and six deep from the river westward, and three miles deep from the river Eastward, Thus testifyeth George Hubbard. Taken upon oath before me,

WILLIAM LEETLE.

A corte held at Newtown, 1st November, 1636, (same persons holding s'd Courte.

It is ordered that Jo. is to return to his master Mr. Stiles, who hath his indenture and the s'd. Mr. Stiles is to pay Wm. 10s for his passage, if not, the court will take order in the same as they shall see meet.

A Court at Newtown, 27th Dec. 1636.

(Same Judges)—It is Ordered that Daniel Finch shall have for six employments about Mr. Oldhams Estate and a carte 13s. 6d.

It is ordered that all the creditors of Mr. Oldham in the river of Connec'tt. bring in their debts before the next Court or else he shall not be deemed as a Creditor in the Estate that is now extent.

21st February, 1636.—(Same Court.)

Whereas is was Ordered that Samuel Wakeman, George

Hubbard, and Stoughton were to consider of the bounds of Dorchester, towards the Falls, and Watertown towards the mouth of the river; the said Samuell Wakeman, George Hubbard think the Plantation of Dorchester, shall extend towards the falls on the same side the plantation stands to a brook called little brook and so over the great river upon the same line, that Newtown and Dorchester doth betwene them, and so it is ordered by the Court.

It is ordered that the Plantation now called Newtown shall be called and named by the name of Hartford towne and likewise the plantation now called Watertowne, shall be called and named Weathersfield.

Samuel Wakeman and Anceint Stoughton do think meet that the bounds of Weathersfield shall be extended towards the River's mouth on the same side it standeth to Ira, six miles downward from the bounds between them and Hartford marked with N. ff.—and to run in an East and West line over the great river, the said Weathersfield to begin at the mouth of Pewterpot brook and then to run due East into the country three miles and downward six miles, in breadth north, is ordered accordingly.

It is ordered the plantation called Dorchester, shall be called Windsor.

The Bounds between Weathersfield and Hartford, are agreed all the side where they stand to be at a tree marked N. H. and towards the pale of the said Hartford is fixed to goe into the county due East, and out the other side the great River from pewterpot brook at the lower side Hoccanum east into the country, which is now ordered accordingly.

The Bounds between Hartford and Windsor, is agreed to be at the upper end of the great meadow of the said Hartford towards Windsor, at the pole that is now sett there upon by the said Hartford which abutting upon the great river upon a due East line as parralell to the said East Line as far as they have now poled, and afterwards the bounds to goe into the country upon the same west line, But it is to be so much

shorter towards Windsor as the place where the skirte that comes, is along the head of the said meadow and falls into the said great river is shorter than their pole, and over the said great River the said Plantation of Windsor is to come to the river's mouth that falls into the said great River of Connecticut, and there the said Hartford is to run due east into the country, which is Ordered accordingly.

It is ordered that noe young man that is not married nor hath any servant, and be noe public Officer, shall keep house by himself without consent of the towne where he lives first had, under paine of 20s. per week.

It is ordered that noe master of a family shall give habitation or entertainment to any young man to sojourn in his family but by the allowance of the inhabitants of the said towne where he dwells, under like penalty of 20s. p'r week, these two last orders to take effect the first of April next.

At a court at Hartford, March 2, 1637. (Same Judges.)

It is ordered that Mr. Francis Stiles shall teach George Chappel, Thomas Coop, and Thomas Barber, his servants, in the trade of a carpenter, according to his promise for their service of their term behind 4 days in a week onely to shave and slit their own work, they are to frame themselves with their own hands together with himself or some other master workman the time to begin for the performance of this order fourteen days hence without fayl.

It is ordered that every Juryman shall have six pence for every action that is given to them uppon evidence, to be paid by him the action goes against.

The 1st day of May, 1637, General Court at Hartford.

Mr. Ludlow, Mr. Welles, Mr. Swaine, }
Mr. Phelps, Mr. Warde, Mr. Steele. }

Mr. Whiting, Mr. Webster, Mr. Williams, }
Mr. Hull, Mr. Chaplin, Mr. Talcott, } Committee.
Mr. Hosford, Mr. Mytchell, Mr. Sherman, }

It is ordered that there shall be an offensive war against

Pequotts, and that there shall be ninety men levied out of the three plantations, Hartford, Weathersfield and Windsor viz. out of Hartford forty two men, Windsor thirty, Weathersfield eighteen under the command of captain Jo'n. Mason, and in case of death or sickness under the command of Robert Seely, Lieut. and the eldest Sergeant or millitary officer surviving, if both these miscarry.

It is ordered that Hartford shall find 14 armour in this design, Windsor six.

It is ordered that there shall be one good hogshead of beer for the captain and minister, and sick men, and if there be only three or four gallons of strong water, two gallons of sacke.

It is ordered that Windsor shall provide sixty bushels of corne, Hartford eighty four bushels, Weathersfield thirty six bushels of this, each plantation to bake in biskett the one half, if by any means they can, the rest in ground meale, Weathersfield seven bushels to be allowed upon accompt.

Hartford is to provide three firkins of suet, two firkins of butter with that at the Rivers mouth, four bushels of oat meale, two bushels of pease, five hundred of fish, two bushels of salt. Weathersfield one bushel of Indian beans, Windsor fifty pieces of pork, 30*lbs.* rice, and four cheeses.

It is ordered that every souldier shall carry with him 1*lb.* of powder, 4*lbs.* of shott, 20 bulletts, one barrell of powder from the rivers mouth, and a light gun if they can.

It is ordered that Mr. Pynchions shallop shall be taken, to be employed in this design.

June 2d, 1637, A generall courte at Hartford.

It is Ordered that there shall be sent forth 30 men out of the several Plantations in this river, of Connecticutt to sett down in the Pequot country and River in a place convenient to maintayne our right which God by conquest hath given us, and Lieut. Seely shall have the command of them,

The men are to raise 14 out of Hartford, ten out of Windsor, six out of Weathersfield.

It is ordered that sixty bushells of corn, shall be provided for the design abovesaid, Windsor 20 bushels, Hartford 28 bushels, Weathersfield twelve, one hogshead of pease, two bushels of oat meale, 150*lbs.* of beef, 80*lbs.* of butter, (viz.) Windsor 30, Weathersfield 30 for each.

26th June, 1637, Hartford General Courte.

It is ordered that ten men more shall be levied out of the plantations aforesaid to goe in the design against the Pequots as an addition to the former 30, viz. five out of Hartford, Windsor three, Weathersfield two.

It is ordered that Mr. Haynes and Mr. Ludlow, shall goe to the mouth of the River to treat and conclude with our friends of the Bay, either to come with their force in prosecuting our design against our enemies, or if they see cause by advice to enterprise any action according to the force we have, send to parley with the Bay about our settling downe in the Pequotte country.

It is ordered that there shall be one hogg provided at Weathersfield, for the design in hand, which is conceeved to be Nathaniel Fosters, 20*lbs.* of butter, half a hundred of cheese, Hartford, 20*lbs.* of butter, half a hundred of cheese, Windsor, one ram goat, 20*lbs.* of butter, half an hundred of cheese, one gallon of strong water, Hartford, one hundred of beef from Mr. Whiting, Windsor three bushels of malt, 2 bushels from Weathersfield—Mr. Welles two.

General Court, Tuesday Nov. 14th, 1637, Hartford.

Haynes, Welles, Hull, Ward, Swaine, Mitchell, Whiting, Goodman, Smith, Ludlow, Phelps, Capt. Mason, Goodman Bacon.

It is ordered that every common soldier that went in the late design against the enemy the Pequotts, shall have 1*s.* 3*d.*

per day for their service, at six days to the week ; the sergeant 2s. p'r. day the Lieutenant 20s. p'r. week, and the Captain 40s. p'r. week—Any man that was publicly employed in the said service and diet themselves, shall have 2s. per day, and that the said payment shall be for a month although in strictness there was but three weeks and three days due, such as did return from the Forts and never went into the service to be allowed but for 12 days.

It is ordered that the pay in the second design shall be the same as the former, and the time a month as abovesaid.

Hartford, February 1637.

Haynes, Plumb, Ludlow, Mytchell, Welles, Mason, *present.*

Whereas upon serious consideration we conceived that the Plantation in this River will be in some want of Indian corne and in the same consideration we conceive every man may be at liberty to trade with the Indians upon the River, where the supply of corn in all likelihood is to be had to furnish their necessities, the market of corn among the Indians may be greatly advanced to the prejudice of these plantations, we therefore think meet and do so order that no man in this River, nor agawam shall go to the River among the Indians or home at their houses to trade for corn, or make any contract or bargain among them for corn either privately or publicly upon the pain of 5s. for every bushell that he or they shall trade or contract for—This order to endure untill the next general court and untill there will be a settled order in the thing.

It is ordered that there shall be a particular Court on the first Tuesday of May, at Hartford and then ——— and John are to bee handled—Therefore the several creditors are then to come and make their claims.

It is ordered that there shall be forthwith a levy of five hundred and twenty pounds to be levied to defray the charge of the late design of war that is already past. Agawam,

£26 : 16 : 00—Windsor, £158 : 2 : 0—Hartford, £251 : 2 : 0.
Weathersfield, £124 : 0 : 0.

The payment to be made either in money or in wampom at four a penny, or in good and merchantable beaver at 9s. per pound.

It is ordered that there shall be general notice given in all the plantations that there be any guns, swords, belts, bandil, kettles, pots, coolers, or any thing else that belongs to the commonwealth, that were lost, landed or left in any plantations, they are to be delivered into the hands of the said constables of the said towns, and the said Constables to bring them to the next court at Hartford, and if after the said notice there shall be any things found in any mans house or custody, it concerning the said commonwealth, they shall be subject to the censure of the court for their tenure or concealing.

It is ordered that the Genl. Court now in being, shall be dissolved and there is no more attendance of the members thereof to be expected except they be chosen in the next general court.

A general court holden at Hartford, and die March 1637, Welles, Mitchel, Ludlow, Plumb, Smith, Pincheon, Phelps, *Committee.*

Capt. Mason, Mr. Talcot, Rayner, Hubbard, Ludlow, Webster, Thos. Marshall, Jos. Kibbee, Treete, Hull, and Ward.

Thurston Rayner being chosen a committee for the town of Weathersfield, *being now* absent is fined 5s. to be paid forthwith.

Whereas Mr. Pincheon was questioned about imprisoning an Indian at Agawam, whipping an Indian and freezing of him, the court is willing to pass over Mr. Plums failings against an Indian.

It is ordered with the consent of Mr. Pyncheon that the said Mr. Pyncheon will deliver at Hartford, good merchantable indian corn at 5s. per bushell as far as 500 bushells

will go at, if he can save by that, at the residue, he is to have 5s. 2d. per bushell, provided also that that provision that Windsor is to take shall be landed there at Mr. Ludlows, in consideration whereof, there is a restraint of any to go up the river to trade with the Indians for corn. Also if any Indians bring down any corn to us, we are not to exceed 4s. per bushell, as also in case of necessity that any family or families do complain of present necessity, they are to repair to the magistrates which may advice them for the supply, altho it be to the dispensing with this Order provided also that if the said Mr. Pyncheon be enforced to raise the price with the Indians of six pieces of wampum a piece, then the plantations are to increase the pay of 5s. per bushell if he can abate any thing, he will sett of so much of 5s. per bushell the payment, to be made in wampum at 3s. a panny or merchantable beaver at 9s. per pound.

It is ordered, that whoever doth disorderly speak privately during the setting of Court with his neighbour or two or three together, shall pay 1s. if the court so think meet.

It is Ordered that Captain Maloy, Mr. Allen, Mr. Ward, shall go to Agawam and treat with the Indians concerning their tribute towards the charges of the warrs, to the value of one fathom of wampum a man. Wawatock, a fathom and a quarter.

It is ordered, that Mr Ludlow, Mr. Hopkins, shall have a power to deal with Elias Parkman about his vessel to go to the Narragansett to trade for corn, and they are likewise to take up such commodities as may freight the said vessel, to the end aforesaid, and do thereon what they see meet, that may tend to the publick in that way, and that Plantations shall bear the charge of the said freights, and have the proceed of the corn, and trade according to the proportion of the last publick rate to the warrs, as also of what comes from Agawam.

It is ordered that no commissioner or other person shall bind, imprison or restrain, correct or whip any Indian or

Indians whatsoever, in his own case, or in the case of any others, nor give them any menacing or threatning speeches, except it be in case any Indian shall assault or affront their person or persons, or shall find them either wasting, killing or spoiling any of their goods or estate, and he or they shall find them so doing, and in that case, if they refuse to come before a Magistrate, they may force them to go and bind them if they refuse. But if any injury or trespass be offered or done by any Indian or their dogs, he or they are to complain to some Magistrate or Magistrates, provided always, that any two Magistrates together, may upon any special occasion send for any Indian to come before them, and if they see cause to restrain and imprison him or them, and in case of refusal or contumacy or other extraordinary occasion, to send force to apprehend or take him or them, if they see cause.

It is ordered, that there shall be fifty cutlasses provided in the plantations. Hartford 21 cutlasses, Windsor 12, Weathersfield 10, Agawam 7, which are to be provided within six months at fatherest, and these cutlasses are to be viewed by the military officer that is provided for that purpose, and if he disallow them as insufficient, they are to provide better. And also that the said Towns are to give in the names of such as are to find the said cutlasses, at the next general court, and then such as shall fail to provide by the day afores'd, shall forthwith pay ten pounds and five shillings pr. month, untill he hath supplied them, and it shall also be lawful for the said military officer to call for the s'd cutlasses to view whether they be in repair or not.

It is ordered that Captn. Mason shall be a publick military officer of the plantations of Connecticut, and shall train the military men thereof, in each plantation, according to the days appointed, and shall have £40 pr. annum, to be paid out of the treasury quarterly, the pay to begin from the day of the date hereof. This order to stand in force for a

year, and untill the general court make another order to the contrary.

It is also ordered, that Captn. Mason shall train the military men thereof in every plantation ten days in every year, (so as it be not in June or July,) giving a weeks warning before hand, and whosoever is allowed a soldier, and fail to come at the time appointed by the said publick officer, to pay for his default 3s 4d for that time, and if it be usual, for the second offence 5s. and if not amended, then the said delinquent is to be bound to answer it at the next court.

Item.—It is ordered, that all the sons shall bear arms, that are above the age of sixteen years, unless they do tender a sufficient excuse to court, and the court allow the same.

It is ordered, that there shall be a magazine of powder and shot in every plantation, that the supply of military men, if occasion serve—Hartford two barrells, Windsor one barrell of powder, 300lb. lead, Weathersfield 1 barrell of powder and 300lb. lead, Agawam half a barrell of powder and 150lb. lead, and every military man is to have continually in his house in readiness, half a pound of good powder, two pounds of bulletts, suitable to his piece, one pound of match, if his piece be a match sort, and whosoever fails of his half pound of powder, two pounds of bulletts and match, to pay as far every time that is wanting. The plantations or plantation for not providing the said magazine of powder and lead within this three months, to pay forty shillings, and ten shillings for every month until it be provided.

It is ordered, that there shall be a measure of each plantation brought to Hartford on the next particular Court, and then there will be a settled course for a measure in each plantation. The Gen'l Court is appointed on 22d of this instant month.

It is ordered, that all orders formerly made concerning military discipline until the orders of court, shall be void.

Whereas it was ordered orto die, last that there should be

a restraint of Trading for corn, in regard of some with Mr. Pyncheon to supply the plantations, upon consideration of Mr. Pyncheon, that he is somewhat fearfull of supplying the plantations, and whereas there is a clause in case of necessity the magistrates may dispence with the orders. It is therefore Ordered, that Mr. Ludlow and Captain Mason, or either of them, taking likewise such with them as shall be meete, shall trade to supply their own necessities and the necessities of some others that are in want.

It is ordered in the setting forth clause, that Mr. Phelps, Mr. Whiting, Mr. Winchell is to agitate that business for the commonwealth.

Upon the complaint of Amamett and the Indians cohabiting with him about Lieut. Holms's denying the planting of the old ground planted last year about Plymouth house. It was ordered, that they should plant the old ground, they planted the last year, for this year only, and they are to sett their wigwams in the old ground, and not WITHOUT.

A general court at Hartford, the 5th day of Jan'y, 1636.

Thomas Ford, Mr. Plumb, Mr. Hubbard, Mr. Ludlow, Mr. Phelps, Mr. Pincheon, Mr. Marshall, Mr. Welles, Mr. Smith, Captain Mason, Thomas Ford, Thomas Marshall, Mr. Rayner, George Hubbard, are fined 1s. a piece, for failing at the hour appointed, which 7 of the clock.

It is ordered, that there shall be five sent to Warranock Indians to declare unto them that we have a desire to speak unto them, to hear the reasons why they said they were afraid of us, and if they will not come unto us willingly, then to compell them to come by violence, and they may have two of the English as pledges in the mean time, and to trade with them for corn if they can.

It is ordered, that Capt'n Mason, Tho's Stanton, Jeremy Adams, John Giles, and Tho's Merrick, and if Tho's Merrick be gone to Agawam, then Captain Mason to take another, whome he please shall go in the said service, and if

he see cause to have hostages, he may, if he see cause to go to Agawam.

It is thought meet that the cutlasses that were in the last service, shall be made good to the commonwealth, and made as servicable as before, and that Richard Lord shall take such cutlasses into his custody as are in the meeting house at Hartford, and make them up, and when they be fitted up, the said Lord is to bring in his noate, and the courte to appoint one to view the same, and when they are certified to be in good kelter, there must be speedy course taken by the court, that speedy payment be made to s'd Lord.

It is ordered, that there be a warrant directed to the several collectors of each plantation, to make their returns to the Treasurer within these 25 days, or else to answer their contempt at the next particular Court.

Whereas there is a desire of the neighbours of Hartford, that there may be a publick highway for carte and horse upon the upland, between the said Hartford and Windsor, as may be convenient. It is therefore thought meet, that Henry Wolcott the younger, and Mr. Stephen ——— and William Westwood, and Nathaniel Ward, shall consider of fitting and convenient highway, to be marked and sett out, and bridges made over the swamps. And then it being confirmed by the Court, the Inhabitants of Hartford may with making a comely and decent stile for foot, and fence up the upper end of the meadow, this to be done by monday seven night, upon penalty of 10s. every default. ——— It is ordered, that with the consent of Mr. Pyncheon, that the said Mr. Pyncheon shall within these 18 days, pay Mr. Whiting forty pounds, by sending down as much corn as the s'd £40 comes to, or else to pay him, the said Mr. Whiting in good merchantable beaver at 9s pr pound, provided that if in the day the said Whiting can put it away at a higher rate, the said Pyncheon to have the benefit of it—If it be put away at a loss, the s'd Pyncheon to stand, and the said Pyncheon

may write to his friend to see that the said Whiting does his best for the said Pyncheon's advantage.

It is ordered, that the indian corn brought into the plantations for the supply of their necessities, either by agreement with Mr. Pyncheon or any other, by a general trade, shall go at 5s 6d in money, in Wampum at 3s 1d per bushell, or if in beaver, according to the order, at 9s per pound—yet this is not in any way to infringe the bargain formerly made with Mr. Pyncheon for so much corn as he brings in. It is ordered, that these men following, shall receive the corn aforesaid, for the plantations, according to their proportion agreed on, and shall give an exact account of what every man hath, at the rates aforesaid, the men appointed for this service, are Henry Wolcott the younger, for Windsor, Edward Stebbins and Thomas Scott for Hartford, for Weathersfield, Mr. Plumm. It is also ordered, that such as are in want of corn or like to be, between this and harvest, must give in their names and wants, to the parties aforesaid of the several Plantations, and they are to return it in the next particular Court, provided that the receivers of corn aforesaid, are not to deliver any corn, without the present payment formerly mentioned.

It is ordered, that Thomas Stanton shall have for the service he hath done for the country already past, ten pounds. It is Ordered, that Thomas Stanton shall be a publick Officer for to attend the Court uppon all occasions, either general or particular, as also any meeting of the magistrates, to interpret between them and the Indians, and also is to have for it £10 pr. year.

It is ordered, that where any company of Indians do sett down near any English Plantation, that they shall declare who is their Sachem or Chief, and that the s'd Chief or Sachem shall pay to the said English, such trespass's as shall be committed by any Indians in the said Plantation adjoining, either by sporting, or killing of cattle, or swine, either with traps, dogs, or arrows: and they are not to plead, that

it was done by strangers, unless they can produce the party, and deliver him or his goods into the custody of the English, and they shall pay the double, if it was voluntarily done.

Whereas there was some complaint made against Wm. Pyncheon of Agawam, for that as was conceived, and uppon prooffe appeared he was not soe carefull to promote the publick good in the trade of corne, as he was bound to doe. It is ordered that the said Pyncheon shall with all convenient speede, pay as a fine for his soe failinge, forty bushells of Indian corn, to be delivered to the Treasurer, to be disposed of as shall be thought meete.

Whereas, uppon full debate and hearing, the matters of injuries and differences between Soheage, an Indian, the Sachem of Pyquaagg, now called Weathersfield, and the English Inhabitants thereof, and it appeared to the Court, that there hath been diverse injuryes offered by some of the said English Inhabitants to the said Soheage: as also the said Soheage and his men have likewise committed diverse outrages and wrongs against the said English, yet because, as was conceived, the first breach was on the s'd English part All former wrongs whatsoever, are remitted on both sides, and the Soheage is again received into amity to the s'd English, and Mr. Stone, Mr. Goodwine, and Thomas Stanton, are desired to goe to the said Soheage, and to treat with him according to their best discretion, and to compose matters between the s'd English and the s'd Soheage.

It is ordered, that there shall be 1s. pr. skin of beaver paid to the publick, out of the trade of beaver, to be paid unto the Treasurer every halfe year—This order to stand for a year, and untill the Courte take other Order to the Contrary. It is Ordered, that none shall trade in this river with the Indians for beaver but those that are hereafter named, viz. For Agawam, Mr. Pyncheon, For Windsor, Mr. Ludlowe, Mr. Hull, For Hartford, Mr. Whytinge, Tho's Staunton, Weathersfield, Thomas Hubbard and Richard Law's, and if any trade for beaver, other than arefore-

named, they shall forfeit 5s. per pound, to be paid for every pound they shall soe trade.

14th 1638.

It is Ordered, that the Treasurer shall deliver no money out of his hands to any person, without the hands of two Magistrates, if the same be above twenty shillings, if it be under, then the Treasurer is to accept, if the hand of one. But if it be for the payment of some bylls to be allowed, which are referred to some Committees to consider of, whether allowed or not, that such bylls as they all owe and sett their hands unto, the Treasurer shall accept and give satisfaction.

THE CONSTITUTION OF HARTFORD, WEATHERSFIED AND WINDSOR, IN 14th JAN'Y. 1638.

(The first Governor ever chosen in the colony of Connecticut was in April 1639, as follows.)

April 1639, General Meeting.

John Haynes Esq. was chosen Governor for this year and untill a new be chosen, Roger Ludlowe, Deputy Governor.

George Wyllys, Thomas Welles, Wm. Phelps, Edward Hopkins, John Webster, were chosen to *assist* in the magistracy for the year ensuing and all took the oath appointed for them. Edward Hopkins was chosen Secretary for the year ensuing.

John Edmund, Aaron Starke, and John Williams were censured for violence.

John Williams to be whipt at a carts podex upon a Lektion day at Hartford.

John Williams to stand upon the Pillory from the ringing of the first bell, to the end of the Lektion, then to be whipt in like manner at Windsor within eight days following.

Aaron Stark to stand upon the pillory and to be whipt as Williams, and to cause the letter R. burnt upon his cheek

and in regard to the wrong done to Mary Holt, to pay her parents £10, and in defect of such payment to the commonwealth when both are fit for that condition to marry her. It is the mind of the Court that Mr. Ludlow and Mr. Phelps see some publick punishment inflicted upon the GIRL *for concealing it so long.*

August the 1st, 1639.

John Bennet and Mary Holt, were both sentenced to be whip't. for unclean practices, and the girls master is enjoined to send her out of this jurisdiction before the last of next month.

These following were sentenced and fined for unreasonable and immoderate drinking at the pennace. Thomas Cornwell 30s.—John Lattimer, 15s. Matthew, 10s. Sam'l. Kitwell, 10s. Thomas Upson, 20s.

John Moody had an attachment upon the goods of Thomas James for a debt of five pounds of tobacco.

A GENERAL COURT AT HARTFORD, THE 8TH OF AUG. 1639.

John Haynes Gov.—Roger Ludlow, Deputy.

(The assistants and Committee, the same.)

The Constables of Hartford were fined 2s. 6d. for not returning their warrants according to order, being much favored in regard, it was the first time and one of them sick.

It is ordered that the military men shall be trained at every six days in the year. The times are to be chosen at the discretion of the court, only the months of May, June and July are excepted unless it be upon special occasion.

The Treasur's. accompts being audited the country was found indebted to him £16. 10s. 6d. Mr. Governor, Mr. Deputy, and Mr. Welles or any two of them are entreated to go to the rivers mouth to consult with Mr Fenwich about

a treaty of combination which is desired again to be on foot with the Bay.

The occasions of the commonwealth being taken into consideration it was thought and ordered, that a rate of £100 be made in these plantations, and Mr. Talcott, Mr. Hull, and Mr. Tapping are entreated to apportion it upon the several plantations to be paid in the one half within a month and the other within three months.

August the 15th, 1639.—A meeting of the General court, which was adjourned untill this day.

Mr. Treasurer had orders to call in for all the fines due to the country and for such monies as are due from the traders for beaver.

The manifold insolences that have been offered of late by the Indians, put the court in mind of that which hath been too long neglected, to wit, the execution of justice upon the former murtherers of the English, and it was upon serious consideration and debate, thought necessary and accordingly determined that some speedy course be taken thereon, and for effecting hereof it was concluded that one hundred men be levied and sent down to Mattabeseek where seuerall guilty persons reside and have been harboured by Soheage, notwithstanding all means by way of preservation have been formerly used to him for surrendering them upp into our hands—And it is thought that these councils be imparted to our friends at Quinissiacke, that provision may be made for the safety of the new plantations, and upon their Joint consent to proceede or desist.

The £100 Rate was laid upon the several Towns in this Proportion—Hartford £43, Windsor £28 : 6 : 8, Weathersfield £28 : 13 : 4—Adg'd to 26th of this month.

August the 26th 1639.

Mr. Webster informed the Court that according to the determination of the last meeting—Mr. Deputy, Mr. Welles

and himself, acquainted our friends at Quinnissiache, with their purposes concerning the murtherers, and desired the concurrence of their apprehensions therein, who fully approving of the thing, yet intimated their thoughts, somewhat to differ from ours, in the present execution of it in regard of some new plantations, that are now beginning, and some inconvenience which may fall upon those parts of the country, by a noise of a new warr, which may hinder the coming of ships the next year. Whereas diverse of the Pequotts who were given to Uncas, and Antinemo, have planted again part of the land which was conquered by us, contrary to our agreement with them, it was thought fit, and ordered, that forty men be proportioned out of the several plantations and immediately sent away to gather the corn there planted by them. The men proportioned for the several Towns, Windsor 13, Hartford 17, Weathersfield 10—It was refered to Mr. Governor, Mr. Wyllys, Mr. Phelps, Capt. Mason, and Mr. Ward, to agitate this business, and bring it to an issue with what speed may be, and they have power to press 20 Arms, 2 Shallops, and two Canoes for this service.

It was concluded that there be a publick day of Thanksgiving in these plantations, upon the 18th of this month.—This Court is dissolved.

September 5, 1639, John Haynes Gov'r.

Hopkins, Phelps, Welles, and Webster,—

Richard Lyman complaineth against Sequassen, for burn-up his hedge, which before Mr. Governor, he formerly promised to satisfy for, but yet hath not done it—Sequassen, appeared and promised to pay within four days or else an attachment to be granted.

Samuel Ireland, was fined 10s for contempt of the Court, in not appearing upon a warrant served upon him—Upon his submission he paid 5s and was acquitted.

October the 3d, 1639.

Haynes, Webster, Ludlow, Phelps, Wyllys, Hopkins, Welles.

Edward Hopkins, vs. Francis Stiles, in behalf of John Woodcock, in an action for breach of Covenant.

The Jury find that the Def^t. hath in his hands £80, and £150 for the purchase of the house, and for not taking in 400 acres of ground according to bargain, that Mr. Stiles should take the house back again, and repay the £230, with £70 damages, costs 10s 8d.

It is ordered, that the soldiers in the last exploit, shall be paid for nine days at 2s per day. The money to be paid to the Constables of every Town, and he to deduct the cost of the provision he pressed for them.

September 10th 1639.

Mr. Deputy was fined 5s 8d for being absent.

The Constables of Windsor were fined for not returning the warrant of the Committee that were chosen for that Town.

Mr. Lenwick, Mr. Whiting, Mr. Hill, and Mr. Ward, are nominated by the Court to be presented to the vote of the Country for magistrates at the Court in April next, (provided Mr. Lenwick, and Mr. Whiting, shall be Freemen by that time.)

SAYBROOK PLATFORM, TAKEN FROM THE STATE RECORD.

At a General Assembly and Court of Election, holden at Hartford, May 13th, 1708.

This assembly, from their own observation, and the complaint of many others, being made sensible of the defects of the discipline of the Churches of this government, arising from the want of a more explicit asserting of the rules given for that end in the holy scriptures; from which would

arise a permanent establishment among ourselves, a good and regular issue in cases, subject to Ecclesiastical discipline, glory to Christ our head, and edification to his members, hath seen fit to ordain and require, and it is by the authority of the same, ordained and required, that ministers of the several Counties in this government, shall meet together, at their respective County towns, with such messengers, as the churches to which they belong shall see cause to send with them, on the last monday in June next; there to consider upon those methods and rules for the management of Ecclesiastical discipline, which by them shall be judged agreeable and conformable to the word of God, and shall, at the same meeting, appoint two or more of their number to be their delegates, who shall all meet together at Saybrook, at the next commencement, to be held there,* where they shall compare the results of the ministers of the several counties, and out of, and from them, to draw a form of Ecclesiastical discipline, which, by two or more persons, delegated by them, shall be offered to this Court, at their session at New Haven, in October next; to be considered of, and confirmed by them: And the expense of the above mentioned meetings shall be defrayed out of the public treasury of this Colony.

According to the act of the Assembly, the ministers and Churches of the several Counties, convened at the time appointed, and made their respective drafts for discipline, and chose their delegates for the general meeting at Saybrook in September.

SAYBROOK PLATFORM.

At a meeting of delegates from the councils of the several Counties of Connecticut Colony in New England, in America, at Saybrook, Sept. 9th, 1708.

* Yale College was first located at Saybrook, and continued there until about 1616, or 1617.

PRESENT.

From the Council of Hartford County :—the Rev. Timothy Woodbridge, Noadiah Russell, and Stephen Mix. Messenger, John Haynes, Esq'r.

From the Council in Fairfield County :—The Rev. Charles Chauncey and John Davenport. Messenger, Deacon Samuel Hoyt.

From the Council in New London County :—The Rev. James Noyes, Thomas Buckingham, Moses Noyes, and John Woodward. Messengers, Robert Chapman, Deacon William Parker.

From the Council of New Haven County :—The Rev. Samuel Andrew, James Pierpont and Samuel Russell.

The Rev. James Noyes and Thomas Buckingham, being chosen Moderators. The Rev. Stephen Mix and John Woodward, being chosen scribes.

In compliance with an order of the general Assembly, May 13th, 1708, after humble addresses to the throne of grace for the divine presence, assistance and blessing upon us, having our eyes upon the word of God, and the Constitution of our Churches, we agree that the confession of faith owned and assented unto by the Elders and messengers assembled at Boston in New England, May 12th, 1680, being the second session of that Synod, be recommended to the honorable general Assembly of this Colony, at the next session, for their public testimony thereunto, as the Faith of the Churches of this Colony.*

We agree also, that the heads of agreement assented to by the united ministers, formerly called Presbyterian and Congregational, be observed by the Churches throughout this Colony.

And for the better regulation of the administration of

* "This was the Savoy Confession, with some small alterations."—*Trum. Hist. Con.*

Church discipline, in relation to all cases Ecclesiastical, both in particular Churches and Councils, to the full determining and executing the rules in all such cases, it is agreed.

I. That the Elder or Elders of a particular Church, with the consent of the brethren of the same, have power, and ought to exercise Church discipline, according to the rule of God's word, in relation to all scandals that fall out within the same. And it may be meet, in all cases of difficulty, for the respective pastors of particular Churches, to take advice of the Elders of the Churches in the neighborhood, before they proceed to censure in such cases.

II. That the Churches which are neighboring to each other, shall consociate, for mutual affording to each other such assistance as may be requisite, upon all occasions Ecclesiastical. And that the particular pastors and Churches, within the respective Counties in this government, shall be one consociation, (or more, if they shall judge meet,) for end aforesaid.

III. That all cases of scandal, that fall within the circuit of any of the aforesaid Consociations, shall be brought to a council of Elders, and also messengers of the Churches within the said circuit, i. e. the Churches of the Consociation, if they see cause to send messengers, when there shall be need of a Council for the determination of them.

IV. That according to the common practice of our Churches, nothing shall be deemed an act or judgment of any Council, which hath not the act of the major part of the Elders present concurring, and such a number of the messengers present, as makes the majority of the Council: provided, that if any such Church shall not see cause to send any messengers to the Council, or the persons chosen by them shall not attend, neither of these shall be any obstruction to the proceedings of the Council, or invalidate any of their acts.

V. That when any case is orderly brought before any

Council of the Churches, it shall there be heard and determined, which, (unless orderly removed from thence,) shall be a final issue; and all parties therein concerned, shall sit down and be determined thereby. And the Council so hearing and giving the result or final issue in said case as aforesaid, shall see their determination or judgment, duly executed and attended, in such way or manner, as shall in their judgment be most suitable and agreeable to the word of God.

VI. That if any pastor and Church doth obstinately refuse a due attendance and conformity to the determination of the Council, that hath the cognizance of the case and determineth it as above, after due patience used, they shall be reputed guilty of scandalous contempt, and dealt with as the rule of God's word in such case doth provide, and the sentence of non-communication shall be declared against such pastor and Church. And the Churches are to approve of the said sentence, by withdrawing from the communion of the pastor and Church which so refused to be healed.

VII. That in case any difficulties shall arise in any of the Churches in this Colony, which cannot be issued without considerable disquiet, that Church in which they arise, (or that minister or member aggrieved with them,) shall apply themselves to the council of the consociated Churches of the circuit to which the said Church belongs; who, if they see cause, shall thereupon convene, hear and determine such cases of difficulty, unless the matter brought before them shall be judged so great in the nature of it, or so doubtful in the issue, or of such general concern, that the said council shall judge best that it be referred to a fuller Council, consisting of the Churches of the other Consociation within the same County, (or of the next adjoining consociation of another County, if there be not two Consociations in the County where the difficulty ariseth,) who, together with themselves, shall hear, judge, determine, and finally issue such case, according to the word of God.

VIII. That a particular Church, in which any difficulty doth arise, may, if they see cause, call a council of the Consociated Churches of the circuit, to which the Church belongs, before they proceed to sentence therein; but there is not the same liberty to an offending brother, to call the Council, before the Church to which he belongs, proceed to excommunication in the said case, unless with the consent of the Church.

IX. That all the Churches of the respective Consociations shall choose, if they see cause, one or two members of each Church, to represent them in the Councils of the said Churches, as occasion may call for them, who shall stand in that capacity til new be chosen for the same service, unless any Church shall incline to choose their messengers anew, upon the convening of such Councils.

X. That the minister or ministers of the County towns, or where there are no ministers in such towns, the two next ministers to the said town, shall, as soon as conveniently may be, appoint time and place, for the meeting of the Elders and messengers of the Churches in said County, in order to the forming themselves into one or more Consociations, and notify the time and place to the Elders and Churches of that County, who shall attend at the same, the Elders in their persons, and the Churches by their messengers, if they see cause to send them. Which Elders and messengers, so assembled in council, as also any other hereby allowed of, shall have power to adjourn themselves, as need shall be, for the space of one year, after the beginning or first session of the said Council, and no longer. And that minister who was chosen at the last session of any Council, to be moderator, shall, with the advice and consent of two more Elders, (or in case of the moderator's death, any two Elders of the same consociation,) call another Council within the circuit, when they shall judge there is need thereof. And all Councils may prescribe rules as occasion may require, and whatever they judge needfull

within their circuit, for the well performing and orderly managing the several acts, to be attended by them, or matters that come under their cognizance.

XI. That if any person or persons, orderly complained of to a council, or that are witnesses to such complaints, (having regular notification to appear,) shall refuse, or neglect so to do, in the place, and at the time specified in the warning given, except they or he give some satisfying reason thereof to the council, they shall be judged guilty of scandalous contempt.

XII. That the teaching Elders of each County shall be one association, (or more, if they see cause,) which association or associations, shall assemble twice a year at least, at such time and place as they shall appoint, to consult the duties of their office and the common interest of the churches, who shall consider and resolve questions and cases of importance which shall be offered by any among themselves or others; who also shall have power of examining and recommending the candidates of the ministry to the work thereof.

XIII. That the said associated pastors, shall take notice of any among themselves, that may be accused of scandal or heresy, unto or cognizable by them, examine the matter carefully, and if they find just occasion, shall direct to the calling of the council, where such offenders shall be duly proceeded against.

XIV. That the associated pastors shall also be consulted by bereaved churches, belonging to their association, and recommend to such Churches, such persons as may be fit to be called and settled in the work of the gospel ministry among them. And if such bereaved Churches shall not seasonably call and settle a minister among them, the said associated pastors shall lay the state of such bereaved Church before the General Assembly of this Colony, that they may take order concerning them, as shall be found necessary for their peace and edification.

XV. That it be recommended as expedient, that all the

associations in this Colony, do meet in a general association by their respective delegates, one or more out of each association once a year, the first meeting to be at Hartford, at the general Election, next ensuing the date hereof, and so annually in all the Counties successively, at such time and place, as they the said delegates, shall in their Annual Meetings appoint.

At a General Court holden at New Haven, October 1708.

The Reverend Ministers, delegates from the Elders and Messengers of this government, met at Saybrook Sept. 9th, 1708, having presented to this Assembly, a confession of faith, and heads of agreement, and regulations in the administration of Church discipline, as unanimously agreed and consented to by the Elders and Churches in this government; this Assembly doth declare their great approbation of such an happy agreement, and do ordain, that all the Churches within this government, that are, or shall be thus united in doctrine, worship and discipline, be, and for the future shall be owned and acknowledged, established by law; provided always, that nothing herein shall be intended or construed to hinder or prevent any society or Church, that is or shall be allowed by the laws of this government, who soberly differ or dissent from the united Churches hereby established, from exercising worship and discipline in their own way, according to their consciences.

October, 1766.

An Act for publishing the oaths of Allegiance and Supremacy, Declaration against Popery, and oath of abjuration as the same are to be administered, agreeable to act of Parliament.

Be it enacted by the Governor, Council and Representatives, in General Court Assembled, and by the authority of the same, that the oaths provided by act of Parliament, instead of the oaths of Allegiance and Supremacy; the Dec-

laration gainst Popery, and also the oath of abjuration, agreeable to the form prescribed by a late act of Parliament, passed in the sixth year of His present Majesty's Reign, be printed with the Acts of this Assembly which are as follows, viz :

I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George the third, so help me God.

I, A. B., do swear, that I do from my Heart, abhor, detest and abjure as impious and heretical, that damnable Doctrine and position, that Princes excommunicated or deprived by the Pope or any authority of the See of Rome, may be deposed or Murthered, by their Subjects, or any other whatsoever, and I do declare that no foreign Prince, person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, power, superiority, preeminence or authority, Ecclesiastical or Spiritual, within the Realm of Great Britain, so help me God.

I, A. B., do solemnly and sincerely in the presence of God, profess, testifie and declare, that I do believe, that in the Sacrament of the Lord's Supper, there is not any transubstantiation of the Elements of Bread and Wine, into the Body and Blood of Christ, at or after the consecration thereof, by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are Supertitious and Idolatrous.

And I do solemnly in the presence of God, profess, testifie and declare, that I do make this declaration, and every part thereof; in the plain and ordinary sense of the words read unto me, as they are commonly understood by English Protestants, without any evasion, equivocation or mental reservation whatsoever, and without any dispensation already granted me for this purpose, by the Pope or any authority or person whatsoever, and without any hope of any such dispensation from any authority or person whatsoever; or

without thinking that I am or can be acquitted before God or man, or absolved of this declaration or any part thereof, although the Pope or any other person or persons, or power whatsoever, should dispence with or annul the same, or declare that it was null and void, from the beginning.

I, A. B. do truly and sincerely acknowledge, profess, testify and declare in my conscience, before God and the world, that our Sovreign Lord King George, is lawful and rightful King of this Realm, and all other his Majesty's Dominions and Countries thereunto belonging And I do solemnly and sincerely declare, that I do believe in my conscience, that not any of the descendents of the person who pretended to be Prince of Wales, during the life of the late King James the second, and since his Decease pretended to be, and took upon himself the stile and title of King of England, by the name of James the third, or of Scotland by the name of James the eighth, or the stile and title of King of Great Britain, hath any right or title whatsoever to the Crown of this Realm, or any other the Dominions thereunto belonging. And I do renounce, refuse and abjure allegiance or obedience to any of them; and I do swear that I will bear faith and true allegiance to His Majesty King George, and him will defend to the utmost of my power, against all Traiterous conspiracies and attempts whatsoever, which shall be made against his person, Crown or dignity, and I will to my utmost endeavour to disclose and make known to his Majesty, and his successors, all Treasons and Traiterous conspiracies, which I shall know to be against him, or any of them. And I do faithfully promise to the utmost of my power, to support, maintain and defend the succession of the Crown against the Descendants of the said James, and against all other persons whatsoever; which succession by an act intituled "an Act for the further limitation of the Crown and better securing the rights and liberties of the subject, is and stands limited

to the Princess Sophia, Electoress and Duchess Dowager of Hanover, and the Heirs of her body, being Protestants.

And all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly and truly, upon the true faith of a Christian.

The following are orders of the General Court (or Legislature) of the Colony of Connt. passed at the time of the date of each order.

1640.—Notwithstanding the late order concerning the *Excess of apparel*, yet divers Persons of severall Ranks are obsearved still to excede therein. It is therefore Ordered, that the Constables of every towne within there Libertyes shall observe and take notice of any particular *Person or Persons*, within thier several Lymits, and all such as they judge to exceed thier condition and Rank therein, they shall present and warn to appear at the particular Court, as also the said Constables are to present to the said Court all such persons as sell thier commodities at *excessive rates* ;* and the said Court hath power to censure any disorders in the particular before mentioned.

1641.—For as much as the Court having lately declared their apprehensions to the Country concerning the *excess in wages* amongst all sorts of artificers and workmen, and hoping thereby, men would have been a Law unto themselves, but finding little reformation thereon. The said Court hath therefore ordered, that sufficient able Carpenters, plowrights, wheelrights, masons, Joyners, Smithes, and coopers, shall not take above 20 pence for a days work

* Flour at \$12,50, would endanger the flour merchant.

from the 10th of March to the 10th of October, and not above 18 pence a day for the other part of the yere, and to work ten hours in the day in the summer tyme, besides that which is spent in eating or sleeping, and six hours in the winter. Also, mowers for the tyme of mowing, shall not take above 20 pence for a days work.

1641.—It is ordered that all artificers or handicraftsmen and chief Labourers, shall not take above 1s 6d a day for the first halfe year, and not above 14d for the other part of the yeare; and if said worke is lett or taken by the great or parcell by any workmen, Labourers or artificers, it shall be valued by the proportion afores'd. Also, Sawyers, shall not take above 4s 2d for slit work, nor above 3s 6d for boards by the 100. It is also ordered, that four of the better sort of oxen or horses with the tacklin, shall not be valued at above 4s 6d the day from March to October.

1641.—It is ordered that Mr. Steele, Mr. Welles, Mr. Plumb, and James Bussy, shall runne the Lyne *west into the Country* betwixt Hartford and Weathersfield, to begin at the great River against the marked tree.

1641.—The Court is adjourned to the 1st Wednesday in January, to meet at the *Governors House* after the *Lecture*.

1641.—It is *Ordered* that Capt'n *Mason* shall have 500 acres of ground for him and his Heirs about Pequoyt country, and the dispose of 500 more to such souldiers as joyned with him in the service when they conquered the Indians there.

THE OATH OF A FREEMAN IN 1640.

I, A. B. being by the Providence of God, an Inhabitant within the jurisdiction of Connecticutt, do acknowledge myselfe to be subject to the government thereof, and do

sweare by the greate fearfull name of the Everliving God, to be true and faithfull unto the same, and do submit both my person and Estate thereunto, according to all the wholsom Laws and Orders that there are or hereafter shall be there made by lawfull authority; and I will nether plott nor practice any evill against the same, nor consent to any that shall so doe, but will tymely discover the same to authority there established; and that I will, as I am in duty bound, mayntayn the honor of the same, and of the lawfull Magestrates thereof promoting the public good of y't whilst I shall so continue an inhabitant there; and whenever I shall give my vote touching any matter which concerns this commonwealth being called thereunto, will give it as in my conscience I shall Judge may conduce to the best good of the same without respects of Persons or favour of any man, so help me God in our Lord Jesus Christ.

CAPITALL LAWES OF CONNECTICUT, ESTABLISHED BY THE
GENERALL COURT THE FIRST OF DECEMBER, 1642.

1. Yf any man after legall conviction, shall have or worship any other God but the Lord God, he shall be put to death. Deu. 13; 6, and 17. 2 Ex. 22; 20.

2. Yf any man or woman be a Witch, (that is) hath or consulteth w'th a familliar spirit, they shall be put to death. Ex. 22; 18. Lev. 20; 27. Deu. 18; 10, 11.

3. Yf any p'son shall blaspheme the name of God the ffather, Son or Holy Goste w'th direct, express pr'sumptuous or highanded blasphemy, or shall curse God in the like manner, he shall be put to death. Lev. 24; 15, 16.

4. Yf any p'son shall comitt any willfull murther, w'ch is manslaughter comitted vppon mallice, hatred or cruelty, not in a mans necessary and just defence, nor by mere casualty against his will, he shall be put to death. Ex. 21; 12, 13, 14. Num. 35; 30, 31.

5. Yf any person shall slay another through guile, ether

by poysonings or other such Diuinish (Devlish) practices, he shall be put to death. Ex. 21 ; 14.

6. Yf any man or woman shall ly w'th any Beast or brut creature by carnall copulation, they shall surely be put to death, and the Beast shall be slayne and buried. Lev. 20 ; 15, 16.

7. Yf any man lye w'th mankind as he lyeth w'th a woman, both of them have comitted abomination, they both shall surely be put to Death. Lev. 20 ; 13.

8. Yf any p'son comiteth Adultery w'th a married or espoused wife, the Adulterer and the Adulteres shall surely be put to Death. Lev. 20 ; 10 and 18, 20. Deu. 22 ; 23, 24.

9. Yf any man shall forcibly and w'thout consent rauishe any mayd or Woman that is lawfully married or contracted, he shall be put to Death. Deu. 22 ; 25.

10. Yf any man stealeth a man or mankind, he shall be put to Death. Ex. 21 ; 16.

11. Yf any man rise vp by false witness, wittingly and of purpose to take away any man's life, he shall be put to Death. Deu. 19 ; 16, 18, 19.

12. Yf any man shall conspire or attempte any Inuasion, Insurrection or Rebellion against the comon welth, he shall be put to Deth.

13. Yf any childe or children aboue sixteene yeers old, and of sufficient understanding, shall curse or smite their natural father or mother, hee or they shall bee put to Death ; unlesse it can bee sufficiently testified that the parents have beene very vnchristianly negligent in the education of such children, or so provoake them by extreme and cruel correction that they have beene forced thereunto to preserve themselves from Death or maiming. Ex. 21 ; 17. Lev. 20. Ex. 20 ; 15.

14. Yf any man have a stubborne and rebellious sonne, of sufficient yeares and vnderstanding, viz., sixteene yeares of age, which will not obey the voice of his father or the voice of his mother, and that when they haue chastened

him, will not hearken vnto them ; then may his father and mother, being his naturall parents, lay hold on him and bring him to the Magistrates assembled in courte, and testify vnto them, that theire sonne is stubborne and rebellious, and will not obey their voyce and chastisement, but lives in sundry notorious crimes, such a sonne shall bee put to Death. Deu. 21 ; 20, 21.

1642. It is Ordered that there shall be a guard of forty men to come compleat in their arms to the meeting every Sabbath, and Lecture Day, in every towne within these Libertyes upon the River.

1642. It is Ordered, that there shall be 90 Coats provided within these plantations within ten days basted with cotton wool, and made defensive against Indian arrows,—(i. e.) Hartford 40—Windsor 30—Weathersfield 20.

1642. It is Ordered that no man within these Libertyes shall refuse merchantable Indian *corne*, at the rate of 2s 6d the bushel for any contract made for the labour of men or cattle or commodities is sold after the publishing this order.

1643 It is Ordered that all the Souldiers in the severall Towns within this Jurisdiction, shall be trayned sixe days yearely as they shall be appoynted by the Captain or other Officers.

1643. Whereas many complaynts are brought into the Courte by reason of diverse abuses that fall out by severall persons that sell *Wyne and Strong Water*, as well in vessels on the River, as also in several houses, for the preventing whereof—It is now Ordered that no person or Persons after the publishing this Order, shall neither sell Wyne nor Strong Water, in any place within these Libertyes, without Licence from the particular Court or any two Magistrates.

A. D. 1643. It is Ordered that every Town upon the*

*Whipper on Conn't. River.

River shall provide one man in each town *to doe execution*, uppon De linquents by *Whipping* or other correction as they shall be thereunto cauled, by order from the Magistrates.

1643. It is Ordered that good Rix Dollars, shall pass between man and man, at *five* shillings a piece, in all payments—The debts being made after the publishing this order.

(In 1644, an Order was made, that all marriages and births should be recorded.)

1646. It is Ordered, that if any person within these Lybertys have Cine, or shall be ffyned or whippen for any scandalous offence, he shall not be admitted after such Tyme to have any Voate in Towne or common Wealth, nor to serve on the Jury, untill the Court shall manifest their satisfaction.

Dec. 1st, 1645.—It is Ordered that the Plantation cauled *Tunxis*, shall be cauled *Farmington*, and that the bounds thereof shall be as follows—The Eastern bound shall meet with the Western of these Plantations, which are to be five myles on this side the Great River, and the Northern bound shall be five myles from the Hill, in the Great Meadow, towards Massuo, and the Southern Bounds from the Hill, shall be five myles, and they shall have Lyberty to improve ten myles further than the said River, and to hinder others from the like untill the Court see fit otherwise to dispose of yt, and the said Plantation are to attend the General Orders, formerly made by this Court, settled by the Committee to whome the same was refered, and other occations, as the reste of the Plantations uppon the River do, and Mr. Steele for the present is intreated to bee Recorder, untill the Towne have *one fit among themselves*. they are also to have the like Libertyes as the other Townes uppon the River, for making Orders among themselves, provided they alter not any fundamental agreements settled by the said Committee hitherto attended,

Generall Court, June 11th 1640.

The said Mr. Mitchell for undertaking the office of Town Clerk or Recorder, notwithstanding his uncapableness of that Office, by sentence of Court, he is fined to pay the Country 20 *Nobles, and for that part of the Town of Weathersfield, *who chose* the said Mr. Mitchell to office, notwithstanding the censure of court, are *fined* to the country *four pounds*.

1640. Mr. Mitchell is returned Recorder for the Towne of Weathersfield—But he is found incapable of the place, lying under censure of the Court, and *he* and the *Towne who chose him* to that place, are to have notice to appear at the next adjourned court—They are to have liberty to bring in the records of their lands untill the General Court in Sept'r next.

A Generall Court, held at Hartford, May 20, 1647.

It is Ordered, that there shall be a Guard of 20 men, every Sabbath, and Lecture day, compleate in their Arms, in ech severall towne upon the River, and att Seabrooke and Ffarmington, 8 a peace; ech towne of the sea coast, ten, and as the number of men increase in the townes, the Guard is to encrease.

It is the mynde of the Court that ther shall be provision made for entertayneing the Magistrate, during the sitting of the Court, and the Deputyes of Hartford, are desired to find out a fitte man.

If Mr. Whiting with any others shall make tryall and prosecute a desyne for the taking of Whale within these libertyes, and if uppon tryall within the terme of two yeares, they shall like to goe on, noe others shall be suffered to interrupt them for the tearme of seven yeares.

May 18, 1648. Whereas David Provost, and other Dutch-

* 6s 8d Sterling.

men (as the Court is informed,) have sould powder and shotte to severall Indians, against the expresse lawes both of the Inglishe, and Dutch, it is now ordered, that if uppon examination of Witnesses, the said default shall fully appeare, the penalty of the laws of this Commonwealth, shall be laid uppon such as shall be found guilty of such transgression, the which if such delinquents shall not subject unto, they shall be shipped for England, and sent to the Parliament.

17th May 1649. Thomas Mynott, is appoynted by this Court to be a Military Sergeant, in the town of Pequott, and doe invest him with power to call forth and trayne the Souldyers of that towne according to order of Court.

1650. Fforasmuch as the open contempt of Gods word and Messengers thereof, is the disolating sinne of civill states and churches, and that the preaching of the word, by those whom God doth send, is the chief ordinary means ordained by God, for the converting, edifying and saving the soules of the Elect through the presence and power of the Holy Ghost therevnto promised, and that the Ministry of the word is set vp by God, in his Churches, for these holy ends, and according to the respect or contempt of the same, and of those whome God hath set aparte for his own worke and imployment, the weale or woe of all Christian States is much furthered and promoated.

It is therefore ordred and decreed: That if any Christian (so called) within this Jurisdiction, shall contemptuously behave himselfe towards the word preached or the messengers thereof, called to dispencc the same in any Congregation when he doth faithfully execute his service and office therein, according to the will and word of God, either by interrupting him in his preaching, or by charging him falsely with an error w'ch he hath not thought in the open face of the church, or like a sonne of Korah, cast vpon his true doctrine, or himselfe any reproach, to the dishonour of the Lord Jesus, who hath sent him, and to the dispaagement

of that his holy ordinance, and making Gods wayes contemptible and ridiculous, that every such person or persons, (whatsoever censure the Church may passe,) shall for the first scandall bee convented and reprov'd openly by the Magistrates at some Lecture, and bound to their good behaviour. And if a second time thy breake forth into the like contemptuous carriages, they shall either pay five pounds to the publique Treasure or stand two houres openly vpon a block or stoole foure foott high vpon a Lecture day, with a paper fixd on his Breast, written with capital letters, **AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES**, that others may feare and bee ashamed of breaking out into the like wickedness.

It is Ordered, and decreed by this Court, and authority thereof; that wheresoever the Ministry of the word is established according to the order of the Gospell throughout this Jurisdiction, every person shall duely resorte and attend thereunto respectiueley vpon the Lords day, and vpon such publique Fast days, and days of Thanksgiving, as are to bee generally kept by the appointment of Authority:— And if any person within this Jurisdiction, shall without just and necessary cause, withdraw himselfe from hering the publique ministry of the word, after due means of conviction used, hee shall forfeit for his absence from euery such publique meeting, five shillings: All such offences to bee heard and determined by any one Magistrate or more, from time to time.

fforasmuch as the peace and prosperity of Churches and members thereof, as well as ciuill rights and libberties, are carefully to be maintained,

It is ordered by this Courte and decreed, that the ciuill authority heere established, hath power and liberty to see the peace, ordinances, and rules of Christe, bee obserued in euery Church, according to his word: As allso to deal with any Church member in a way of ciuill justice, notwithstanding

ing any church relation, office, or interest, so it bee done in a ciuill and not in an Ecclesiasticall way, nor shall any Church censure, degrade, or depose any man from any ciuill dignitie, office or authority, hee shall have in the commonwealth.*

October, 1652.

It is ordered, that notice shall be given to the Sachems of the Indians within this Jurisdiction, that no Indian shall walke or come neare vnto, or among any Englishmen's howses in townes or ffarmes, or either side of the river, or elsewhere, vppon the Lord's day, except it be in their necessary way of recourse to the publique preaching of God's word, vppon penalty of ffyne, or imprisonment, as any one magistrate or more, before whom such offenders shall be brought, shall judge meet, and as the nature of their fact shall appeare to him or them to deserue.

A General Court in Hartford, th 6th of April, 1654.

It is also ordered, that, whatsoever Barbados liqvors commonly called Rum, Kill-Divell, or the like, shall be landed in any place of this Jurisdiction, or any parte thereof, sould or drawne, in any vessell lying in any harbour or Roade in this commonwealth, after the publication of this order, shall bee all forfeited and confiscated to this Common wealth; and it shall be lawfull for any person within this Jurisdiction, to make seizory thereof, two third parts to belong to the publique Treasury and the other to the party seazing. And it is also further ordered, that every Ankor of liquor that is landed in any place within this Jurisdiction, shall pay to the public Treasury ten shillings, and every butt of Wine, forty shillings, or Hogshead of Wine, Twenty Shil-

* This is one of the laws, contained in the code, compiled by Roger Ludlow, Esq., who in 1646, was employed by the Legislature to compile a body of laws for the Colony of Connecticut, which he completed in 1650.

lings, or quarter Cask, Ten Shillings, whether they are full or noe. This order repealed, March 11th $\frac{5}{59}$.

June 15th, 59.

*Mr. Willis is requested to goe downe to Seabrook, to assist ye Major in examininge the suspitions about Witchery, and to act therein as may be requisite.

May, 1660.

This Court doth order, that noe man or woman, within this Coll. who hath a wife or husband in forraigne parts, shal live here above two years, vpon penalty of 40s. pr. month, vpon every such offender, and any that haue bene aboue 3 years already, not to remaine within this Col. aboue one yeare longer, vpon the same penalty, except they haue liberty from ye Gen. Court.

May 1662—A Generall Court.

This Court orders, that the Bible that was sent to good-wife Williams, be by Serg't John Not, delivered to good-wife Harrison, who engageth to this Court to give vnto ye children of ye said Williams a Bushel of Wheat a peice, as they shal come out of their time; and John Not doth engage to give each of ye children 2 shillings a peice, as they come out of their time, to buy them Bibles, and John Not hath hereby power granted him, as is ordered, to dispose of ye rest of ye books to ye children of the said Williams.

August, 1663.

This court being sensible of the great inconueniency that may come to the members of this Colony, by Indians walking up and down the towns in the night season, to buy liquers, doe order, that whatsoeuer Indian shall be found

*Maj'r John Mason.

walking up and down in any towne in this corporation, after the day light shutting in, except he giue sufficient reasons, shall forfeit twenty shillings; fifteen to the publike treasury, and five to the person or persons complaining, or proueing the same, or else be seuerely whipt six stripes at least; and any one Assistant or Commissioner hath power to hear and issue any such complaint, and if any Indian shall be found in the night season, transgressing this order, the Assistant or Commissioners, or any one of them may secure them, by setting a watch vpon them, or by committing them to prison for a tryall, ye next sitting oppertunity: this to be published to the Indians, in, or about each townes.

Oct. 1668.

For easing the publike charge of the jurisdiction, This Court ordereth this as a meet allowance to every town, towards the charge of Deputies, leaueing each seuerall town their liberty, to send one or two euery session of the Generall Court, according to Charter.

To Hartford, one pownd five shillings.

To Wethersfield, one pownd ten shillings.

To Windsor, two pownds.

To Middletown, two pownds.

To Farmington, two pownds.

To Fayerfield, two pownds fifteen shillings.

To Norwalk, two pownds fifteen shillings.

To Rye, three pownds.

To Haddam, two pownds.

To New London, two pownds fifteen shillings.

To Lyme, two pownds fifteen shillings.

To New Hauen, two pownds tenn shillings.

To Saybrooke, two pownds tenn shillings.

To Guilford, two pownds tenn shillings.

To Norwich, two pownds tenn shillings.

To Brandford, two pownds tenn shillings.

To Standford, three pownds.

To Kenilworth, two powns tenn shillings.

To Milford, two powns tenn shillings.

To Stratford, two powns twelve shillings.

To Stonington, two powns fifteen shillings.

To Greenwich, three powns.

For one session, which is for the two Courts yearly, one hundred and seven powns fower shillings.

Oct. 1678.

Whereas there is notice taken of some people that doe frequent the meetings of the Indians at their meetings, and dances, and doe also joyne with them in their plays, by wagering of their sides, which doth too much countenance them in those fooleries, if not encourage them in their Divill worship, for some, acquainted with their customs, doe say their exercises at such times, is a principle part of the worship they attend: for the prevention whereof, this court doe forbid all persons in this Colony from countenancing the Indians in such meetings, by being present there, upon the penalty of forty shillings for euery breach of this order, and whosoeuer shall joyne with them in any playes, then vsed by the Indians, by playing, abetting, or layeing any wager concerning the running or falling of the game, at any such playes, shall forfeit the sume of ten powns, the one halfe of each forfeiture to be to the complainer, the other to the County Treasury: and whosoeuer shall not be able to pay his fine, he shall be corporally punished, at the discession of the County Court, where such case shall be tryed.

General Court at Hartford, Oct. 1678.

John Wheeler being complayned of for contemptous carriage toward the County Court at New London, Sept'r last, in saying to the Court, in open Court, what doe you sitt here to pick men's pockets, the Court haveing considered the case, doe adjudg the sayd Wheeler to pay a fine of five

pounds for his miscarriage, and to be committed, and continued in prison, till he hath payd the sayd sume, or given sufficient security, to the sattisfaction of the Treasurer, for the payment of the same.

At a Court of Election held at Hartford, May 11, 1676.

Whereas, notwithstanding former provision made for the due observance of the Sabbath, it is observed that by sundry abuses the Sabbath is prophaned, the ordinances rendered unprofitable, which threatens the rooteing out of the power of godliness, and the procureing of the wrath and Judgments of God upon us and o'r posteritie, for prevention whereof, it is ordered by this Court, that if any person or persons henceforth, either on the Saturday night, or on the Lord's day night, though it be after the sun is sett, shall be found sporting in the streets or fields of any Town in this Jurisdiction, or be drinking in houses of pub. entertainment or elsewhere, unless for necessity; every such person so found, complayned of, and proved transgressing, shall pay ten shillings for every such transgression, or suffer corporall punishment for default of due payment; nor shall any sell or draw any sort of strong drinke, at any time, or to be used in any such maner, upon the like penalty for every default.

It is also farther ordered that no servill worke shall be done on the Sabbath, viz. such as are not workes of piety, charity or necessity, and no prophane discourse or talke, rude or unreverent behavioure shall be used on that holy day, upon the penalty of ten shillings fine for every transgression hereof, and in case the offence be circumstanced with high handed presumption as well prophanesse, the penalty to be augmented at the discession of the Judges.

Widdow Coalman is permitted to transport seven pounds worth of corn to Boston on Mr. Beltcher's Sloop.

Whereas the reading of the scripture, cattechizeing of children, and dayly prayer, with giving of thankes, is part

of God's worship, and the homage due to him to be attended conscientiously by every Christian family to *distinguish them from the Heathen* whoe call not upon God, and the neglect of it a great sin, provoaking to God to power forth wrath on such Famalyes or persons for redress whereof wher any such neglect may be found, this Court doe solemnly recommend it to the ministry in all places, to looke into the state of such famalyes, convince them of, and instruct them in their duty, and by all due means incourage them, that none may be found among us utterly ignorant and prophane; and the townsmen are to inquire after such famalyes, and assist the ministry for the reformation and eudication of the children in good Litterature and the knowledge of the scripture according to good lawes already provided; but if any heads or governors of such famalyes shall be obstinate and refractorie, and will not be reformed, that the Grand Jury present such persons to the County Court, to be fined, or punished, or bound to good behaviour, according to the demerritts of the case.

Whereas it is observed that young persons getting from under the goverment of parents or masters before they are able to govern themselves, which early liberty hath, or may be an occasion of many evils and inconveniences, and hath moved this court seriously and heartily to recommend it to the select men of the severall plantations, to be careful to prohibit, and not to grant liberty to unmeet persons to entertain Borders or sojourners; and it is also ordered by this Court, that all such borders or sojourners as doe live in famalies as such shall carefully attend the worship of God, in those famalyes where they board or sojourn, and be subject to the domesticall goverment of the said famaly, and shall be ready to give an account of their actions upon all demands, upon the penalty of forfeiting of five shillings for every breach of this order, and that no children shall be at liberty to dispose of themselves upon pretence of lawfull

age, without the parents consent, and approbation of the authority of the place.

In order to prevent the increase of Druncknesse. Upon complaynt of abuses that are groweing upon us by the retaylors of Wine and Li'rs, this Court doe order that henceforth no person or persons shall retaile any less quantity than an anchor of drink at a time, without speciall lycenss from Assistant or Commissioner, the same not to be delivered at severall times, or in severall parcells out at one time, except such as are allowed thereto by the County Courts, upon the penalty of twenty shilling forfeiture for every time that any person shall be fownd legally convicted thereof, any law, custome or usage to the contrary notwithstanding; and this Court do order and command all Constables, Grand Jury men to take care, and to make dilligent serch for all transgressors of this order, and to make due presentment of those that shall be fownd transgressors, to the next authority.

It is also ordered by this court and the authority thereof, that the select men with the constables of each Town in this Colony, shall be and are hereby required to take speciall care and notice of all and every person and persons frequenting publique houses where Wine and Liq'rs, Cyder and Strong beere is sold, and spending their precious time there, and thereupon to require him or them to forbear frequenting such places; and if after that, any such person shall be fownd in such place, and be legally convicted thereof, he shall forfeit five shillings, or sit in the stocks one hower for every such offence, and the select men and constables shall give notice to the keepers of such houses of entertainment, that they suffer not such noted person in any of their houses, upon penalty of twenty shillings for every such defect; all such fines to be paid to the county treasurie.

Whereas it is observed that the sin of uncleannesse doth increase amongst us, this Court doth recommend it to the

ministers of Justice in the severall Countys of this Colony to beare such due testimonie against such wickedness according to law, that (if it be God's holy will) such sin and wickedness may be prevented.

Whereas excess in apparel amongst us is unbecoming a wilderness condition and the profession of the gospell, whereby the riseing Generation is in danger to be corrupted, which practices are testified against in God's holy word, it is therefore ordered by this Court and authority thereof, that what person soever shall wear Gold or Silver Lace, or Gold or Silver Buttons, Silk Ribbons, or other costly superfluous trimings, or any bone Lace above three shillings p'r yard, or Silk Scarfes, the List makers of the respective Townes are hereby required to asseesse such persons so offending, (or their Husbands, parents, or masters under whose government they are) in the list of Estates at one hundred and fifty pound Estate; and they to pay their Rates according to that proportion, as such men use to pay, to whom such apparell allowed as suitable to their Rank, provided this law shall not extend to any magistrate, or a like publique officer of this Colony, their wives or children, whoe are left to their discretion in wearing of apparell, or any settled military commission officer, or such whose quality and Estate have been above the ordinary degree, though now decayed.

It is further ordered that all such persons as shall for the future make, or weave, or buy any apparell exceeding the quality and condition of their persons and Estates, or that is apparantly beyond the necessary end of apparell for covering or comeliness, either of these to be Judged by the Grand Jury and County Court where such presentments are made, shall forfeit for every such offence ten shillings; and if any Taylor shall fashion any garment for any child or servant contrary to the mind of the Parent or Master of such a child or servant, he shall forfeit for every such offence ten shillings.

This Court considering the enlarged goodness of God to his people in this wilderness, in appearing so gloriously for their help in subdueing their Enemies* in so good a measure as he hath done, and his mercy in removing sickness from the land, in the comfortable and plentiful Harvest, that we have received, and the continuance of our privileges and liberties, civill and ecclesiastical; hath moved this Court to nominate and appoynt the first day of November next, to be solemnly kept a day of publique thanksgiving throwout this Colony to bless and prayse the Lord for his great mercy towards us, with prayer, that the Lord would help us in our lives and wayes to walke answerable to his abundant mercyes.

Whereas there is notice taken of some people that doe frequent the meetings of the Indians, their meetings and dances, and doe also joyne with them in their playes by wagering of their sides, which doth too much countenance them in those fooleries, if not encourage them in their Devill worship, for some acquainted with their customes doe say their exercises at such times is a principal part of their worship they attend; for the prevention whereof, this Court doe forbid all persons in this Colony from countenancing the Indians in such meetings by being present there, upon the penalty of forty shillings for every breach of this order; and whosoever shall joyne with them in any playes there used by the Indians, by playing, abetting, or layeing any wager concerning the running or falling of the game at any such playes, shall forfeit the sume of ten pounds, the one halfe of each forfeiture to be to the complainer, the other to the County Treasury, and whosoever shall not be able to pay his fine, he shall be corporally punished, at the discretion of the County Court where such case shall be tryed.

1641.—For preventing and avoiding that foule and gros

* Alluding to the successful termination of the late Indian War.

sin of *lying*, it is ordered that when any person or persons shall be accused and proved guilty of that vice, it shall bee lawfull for the particular Courte to sentence any such party, either by flyne or bodily correction—(this to hold to the next Courte.)

1642.—The Goernour, Mr. Haynes, Mr. Hopkins, Mr. Welles and Mr. Phelps, are desired to consider with the Elders consearning the fynns of cursing Father or Mother, Incorrigibleness, ravishment, contempt of ordinances, Lying and Breach of promise, and make some Laws against them, and present them to the next Gen'l Courte.

1650.—Mr. Clark of Windsor is propounded by the Deputies of that Town, to be in *nomination* for a *Magistrate*, at the next Court of Election.

Whereas it doth appear to this Court that those Towns that are more remote, are at more greater charge in bringing the *corn* of their Towns for the ordinary country rates, than those Towns or persons that are nearer to the *Treasurer* place or places of payment, as occasions shall require: It is ordered by this Court, that for such corn as Windsor shall pay to the *rates* afores'd, bring down to Hartford in corn, they shall be allowed two pence in the bushel, and for what they carry to Weathersfield, three pence per bushel extra—Farmington, three pence, and if carried far, then a reasonable satisfaction.

1651.—The Gov'r, Mr. Culluck and Mr Clark, are desired to go down to Stratford to keep Court upon the trial of Goody Bassett for her life, and if the Gov'r cannot go, then Mr Welles is to go in his room.

1651.—Thomas Thornton affirmed in Court, that it was reported there was 100 beeves killed in Fairfield last year.

This Court appoints Lieutenant Robert Sealy to be *chief military officer* in Huntington, to exercise their trained soldiers.

The following is an extract from a Journal of a Dutch Traveller up the Connecticut River, in 1638, to Hartford, and for a short time was at the fort, then located at what is now called Dutch Point, at the mouth of Little River, at the South East corner of the City of Hartford when the fort was manned and armed about two centuries since, which has been translated from the original Dutch Journal, in the Philadelphia Library.

Third Voyage to New Netherlands (now New York) in Order to erect a Colonie on Staten Island,—for me and Frederick Vries, Secretary of the City of Amsterdam, and Director of the West Indian Co.

Ad. 1638, Sept. 25. On board of the ship of the West Indian Co. sailed from Holland—Dec. 26, got sight of sand pint (sandy point) the Capt'n imagining to see the land covered with snow, wanted to go to the West Indies to past the winter and return there against Spring. I told him that he certainly could enter into South River, but he having onely a very imperfect chart, did not know that such River existed. Hee then at the request of the passengers who all had their home in the new Netherlands, solicited me to pilot his ship, in which I did, and anchored yet the same evening before Staten Island, which was my property—and put my people on shore.

In the morning of the 27th, we anchored opposite the fort, where we were received with much joy, as they did not expect to see a vessel in that time of the year. I found now there a Governor named William Krift. He bid me welcome, and invited me in his house—1639, Jan'y 5.

Send my people to Staten island to commence the Colonie and buildings. June 4th, went northward with a yacht up the Versche river (I suppose the Connecticut River) where the West Indian Co. possesses a small fort called *hreys de Hoop*, (the house the hope) and anchored about evening in the *easter haven*, being a large and commodious haven on the north of long island; this Haven is in the

island where it is upwards of two miles wide. We found fine oysters there also. The dutch call it the Oyster Bay, or haven. We arrived the next evening on Rhodabergh, a fine haven, and found that the English were building a fine town, having already erected upwards of 300 houses, and fine church. In the morning of the 7th, we came opposite *de Versche River*, we went up the river and arrived at the 9th with my yacht at the fort *het hues de hoop*, where we found one Gyslert Van Dyek, as commander, with 14 or 15 soldiers. This fort is situated near the river and a small Kreek, forming there a fall, the English had also began to build here a town, against our will, and had already a fine church, and more than 100 houses erected. The commander gave me Orders to protest against their proceedings—he added that some of his soldiers had prohibited them to put a plough in the ground, being it our land that we had bought of the Indians and payed for it—but they opposed them, and had gave a drubbing to the soldiers. When I came at the settlement the English Governor invited me to dinner. I told him during dinner that he acted very improper to take the lands of the Co. which were bought and payed for by them. He answered me that these lands were laying uncultivated, that we had been here already several years, and nothing was done to improve the ground, that it was a sin to leave such valuable lands uncultivated, that such fine crops could be raised of them, that they had now already built three towns on this river in which abundance of Salmon was (etz.)

The English here live sober. They drink only *three* times every meal, and those that become drunk are whipt on a pole as the thieves in Holland.

Our traveller speaks here a great deal of the vigorous conduct of the British in that settlement, it was with difficulty that *he*, the servant of the minister who had been tipsey, got free from being whipt—during he was there, a young man who had been married 2 months, was accused

before the elders of the Church by his brother, that he had slept with his wife before marriage, they were imprisoned and both whipped, and during the time of 6 weeks separated from one another, perhaps if the fellow had been able to make *akers* of good ground with its girl, *instead* of children, they would have been only punished in forfeiting their increase.

BLUE LAWS. (PETERS, &C.)

1. The Governor and Magistrates convened in general Assembly, are the supreme power under God of this independent Dominion.

2. From the determination of the Assembly no appeal shall be made.

3. The Governor is amenable to the voice of the people.

4. The Gov'r shall have only a single vote in determining any question; except a casting vote, when the Assembly may be equally divided.

5. The Assembly of the people shall not be dismissed by the Governor, but shall dismiss itself.

6. Conspiracy against this dominion shall be punished with death. (Re-enacted in 1655.)

7. Whoever says there is power and jurisdiction above and over this Dominion, shall suffer *death* and loss of property. (Re-enacted 1656.)

8. Whoever attempts to change or overturn this Dominion, shall suffer *death*. (Also 1655.)

9. If any person turns *Quaker*, he shall be banished and not suffered to return upon the pain of *death*.

10. * No Priest shall abide in this Dominion: he shall be banished, and suffer *death* on his return. Priests may be seized by any one without a warrant. In force before 1656.

* Priest, as here used, refers to those of the Catholic order, as no other clergymen at that time bore the title of Priest.

11. Men stealers shall suffer death. (Re-enacted in 1665.)
12. Whoever sets a fire in the woods and it burnes a house, shall suffer death; and persons suspected of this crime shall be imprisoned without benefit of bail.
13. Adultery shall be punished with death. (Re-enacted in 1665.)
14. The Judge shall determine controversies without a Jury.
15. * No one shall be a freeman or give a vote unless he be converted, and a member in full communion of one of the churches allowed in this Dominion.
16. No man shall hold *any office*, who is not *sound in the faith*, and faithful to his Dominion; and whoever gives a vote to such a person, shall pay a fine of £1; for a second offence, he shall be disfranchised.
17. Each Freeman shall swear by the blessed God, to bear true allegiance to this Dominion, and that Jesus Christ is the only King. (Before 1656.)
18. No Quaker or dissenter from the established worship of this Dominion, shall be allowed to give a vote for the election of Magistrates or any officer.
19. No food or lodging shall be afforded to a Quaker, Adamite, or other Heretic.
20. No one to cross a river, but with an authorized ferryman. (Barber.)
21. No one shall run on the sabbath day, or walk in his garden, or elsewhere, except reverently to and from meeting. (Barber.)
22. No one shall travel, cook victuals, make beds, sweep house, cut hair or shave, on the sabbath day. (Barber.)
23. No woman shall kiss her child on the sabbath or fasting day. (Barber.)
24. The sabbath shall begin at sun set on saturday.

* This law was never enacted or in force in the Conn. Colony.

25. To pick an ear of corn growing in a neighbours garden, shall be deemed theft.

26. A person accused of trespass in the night shall be judged guilty, unless he clear himself by his oath.

27. When it appears that an accused has confederates, and he refuses to discover them, he may be *racked*.

28. No one shall buy or sell lands without permission of the selectmen.

29. A drunkard shall have a master appointed by the selectmen, who are to debar him from the liberty of buying and selling.

30. Whoever publishes *a lie* to the prejudice of his neighbor, shall sit in the stocks, or be whipped fifteen stripes. (Various acts upon this subject.)

31. No minister shall keep a school. (Barber.)

32. Every rateable person, who refuses to pay his proportion to the support of the minister of the town or Parish, shall be fined by the Court £2, and £4 every quarter, until he or she pay the rate to the minister. (Other acts to enforce collection of parochial taxes.)

33. Whoever wears clothes trimmed with *gold, silver, or bone lace*, above two shillings by the yard, shall be presented by the grand jurors, and the selectmen shall tax the offender at £300 estate. (Several acts governing the attire of the subjects.)

34. A debtor in prison, swearing he has no estate, shall be let out and sold to make satisfaction. (Altered in 1656.)

35. Whoever brings cards or dice into this dominion, shall pay a fine of £5. (Barber.)

36. No one shall read common prayer, keep Christmas, or Saints days, make minced pies, dance, play cards, or play on any instrument of music, except the drum, trumpet and jews harp. (Barber.)

37. No Gospel minister shall join people in marriage.

The magistrates only shall join in marriage, as they may do it with less scandal to Christs Church.* (Barber.)

38. When Parents refuse their children convenient marriages, the magistrates shall determine the point. Re-enacted with alterations.

39. The Selectmen finding children ignorant, may take them from their Parents and place them in better hands, at the expense of their parents. Record.

40. Fornication shall be punished by compelling marriage, or as the Court may think proper. Record.

41. A wife shall be deemed good evidence against her husband.

42. Married persons must live together, or be imprisoned.

43. No man shall court a maid in person or by letter, without first obtaining consent of her parents; £5 penalty for the first offence; £10 for the second; and for the third, imprisonment during the pleasure of the Court.

44. Every male shall have his hair *cut round* according to a cap.† (Barber and Peters.)

45. A man that strikes his wife shall be fined £10. A woman that strikes her husband, shall be punished at the Courts discretion.

It is said by Peters in his History of Connecticut, that these Laws were the Laws made by the people of New Haven, previous to their incorporation with Saybrook and Hartford Colonies, and as *he* says, was verry properly term-

* October, 1694.—This court doe for the satisfaction of such as are conscienciously desirous to be marryed by the ministers of their plantations, doe grant the ordyned ministers of the severall plantations in this colony, liberty to joyne in marriage such persons as are qualified for the same according to law.

† A cap to go round the head was used, drawn close to the head, and the hair then cut by the cap. A pumpkin severed in the middle and placed on the head was often used as a substitute for the cap in the season of them, as tradition says. The Levitical Laws forbid cutting the hair, or rounding the head.

ed *blue Laws*, ie. bloody Laws, for says he, they were all sanctified with ex-communication, confiscation, fines, banishment, whipping, cutting off the ears, burning the tongue, and death. He farther adds, that this code of Laws, denominated *Blue Laws*, by the neighboring Colonies, were never suffered to be printed. This is about all the evidence extant, that these were a part of the Blue Laws, or that a code of Blue Laws ever existed, and which, I confess, from the general character of his history of Connecticut, I do not very much rely upon it for its correctness. Barber has also a part of the same Laws in his late History of Connecticut, who, I conclude, has little or no better evidence to prove them the Blue Laws of Connecticut than his dependence upon Peters for the fact. As Peters wrote his history after Gov. Eaton's code of Laws, and as many of the blue laws published by him, are similar to those in several instances formed or compiled by Eaton, and as there is no record of many of those Laws published by Peters, I have been jealous at least, that those which are similar to Eaton's Laws, were taken by Peters from Eaton's code, and then added some disgraceful laws, to stigmatize the inhabitants of the Colony, which appears to have been his object throughout his whole history. But still, I have treated the laws published above, as being of a more ancient date than the code by Eaton, and yet I give little credit to them except where they agree with the Laws of Eaton, or the Colony Record.

BLUE LAWS OF N. HAVEN COLONY.

The following ancient Laws of the N. Haven Colony, are the Laws to which I referred in the Preface of this work, (as the Blue Laws, if such laws were ever extant in either of the Colonies.) They are a brief compilation of Gov. Eaton's Code.

1. If any woman change the natural use into that which is against nature, (as Rom. 1 ; 26,) she shall be put to death. Jude 7. (1656.)

2. O***** shall be punished with death if the case considered with the aggravating circumstances, shall according to the mind of God revealed in his word, require it. Gen. 38 ; 9. (1656.)

3. If any man married or single, commit Adultery with a married or espoused wife, the Adulterer and Adulteress shall surely be put to death. Lev. 18 ; 20. Lev. 20 ; 10. Deut. 23 ; 24. (Re-enacted 1656.)

4. If any person steale a man, or mankind, that person shall surely be put to death. Exod. 21 ; 16. (Re-enacted 1655.)

5. If any person conspire and attempt any invasion against this jurisdiction, he shall be put to death. Num. 16 ; 2. Rom. 32. Sam. 18 ; 2. Sam. 20. (Re-enacted 1656.)

6. If any person knowing of such conspiracy, shall conceal it 24 hours, he shall be put to death. (1656.)

7. If any child above 16 years old, shall curse, or smite his, her, or their parents, such child or children, shall be put to death. Exod. 21 ; 17. Levit. 20 ; 9. Exod. 21 ; 15 ; unless it be proved that the Parents have been verry unchristianly negligent in the education of such child, &c. (Eaton.)

If any man rauish a maid or single woman, above the age of ten years, and commit the crime by force, he shall be severely and grievously punished as the Court of Magistrates shall determine. (1656.)

9. If any person commit *Burglary*, or rob any person, he shall be branded on the right hand with the Letter *B*— for 2nd offence, shall be branded on his left hand, and whipt, and for the *third* offence, he shall be put to death. Judg. 18 : 7.

10. If any person shall commit *Burglary*, or rob on the *Lord's day*, he shall be burned and whipt, and for a second offence, he shall be burnt on his left hand, whipt, stand on the Pillory, and wear a halter in the day time, visibly about

his neck. And for the third offence, shall suffer death. Zech. 13 : 6. 1655.

11. All thieves unable to make restitution, shall be sold in service thereof. Exod. 22 : 1 to 5. (re-enacted, 1656.)

12. If any man, after due conviction, shall have, or worship any other God but the Lord God, he shall be put to death. Lev. 24 : 15, 16.

13. If any person be a witch, he or she shall be put to death. (Re-enacted 1655.)

14. If any person be a Blasphemer, he shall be put to death. 1656.

15. If any person commit wilful murder, he shall be put to death. Exod. 21 : 12, 13. Num. 35 : 31.

16. If any one slayeth another suddenly, in anger, he shall die. Levit. 24 : 17. Num. 35 : 16, 17. 1656.

17. If any one slayeth by poison, or other wicked practice, he shall be put to death. Deut. 9 : 19. 1656.

18. If any man or woman lye with any beast, by carnal copulation, he or she shall be put to death, and the beast not to be eaten. Levit. 20 : 15, 16. 1656.

19. If a man lyeth with a man, as a man lyeth with a woman, both shall be put to death. Jude 7. 1655.

20. If any person bring an action, suit or complaint in his own name, without cause or action—he shall be fined 40s. to be paid into the Plantation Treasury.

21. Every person in this Jurisdiction, according to the mind of God, shall duly resort and attend worship upon the *Lord's days at least*, and upon public Fasting, or Thanksgiving days, and if any person, without just cause, absent, or withdraw from the same, he shall for every such sinful miscarriage, forfeit five shillings. 1656.

22. All the people of God within this Jurisdiction, who are not in church way, being Orthodox in Judgment, shall have liberty to gather themselves into a church Estate. (1656.)

23. No Man shall be admitted to the *freedom* of this Ju-

risdiction, who is not a Member of some Church in New England, approved by the Magistrates and Churches of this Colony. (N. Haven Colony Laws, 1656.)

24. If cause be, by perverseness or negligence of men, the particular Court in each Plantation, shall call the Inhabitants before them, to set down what proportion he is willing and able to allow yearly, (while God continue his Estate,) for the maintainance of the Ministry. But if any, to the discouragement or hindrance of the work, refuse to set down an unmeet proportion, in such case, the Court shall rate and assess every such person, according to his estate, with due moderation. 1656.

25. If any man have a stubborn, rebellious Son of 16 years old, who will not obey the voyce of his Father or Mother, and being chastened, will not hearken unto them, then shall his Father and his Mother, lay hold on him, and bring him to the Magistrates assembled in Court, and testifie unto them, that their son is stubborne and rebellious, and will not obey their voyce, but lives in sundry crimes: Such a son shall be put to death. Deut. 21: 18, 19, 20, 21. (Enacted, 1656.)

26. If any *swine*, or greater *cattel*, be found in the woods unmarked, they shall be liable to poundage. (1656.)

27. It is ordered, that the Deputies for the particular Court in each plantation, shall keep a vigilant eye over their neighbours, that they employ school-masters, that their children and apprentices may, through God's blessing, attain at least, so much as to read the scriptures, and other good printed books. 1656.

28. Prophane swearing and cursing, shall be punished by whipping, and stocks. Hosea 4: 1, 2.

Whosoever shall prophane the Lord's day, or any part of it, by work or sport, shall be punished by fine, or corporally. But if the Court, by clear evidence, find that the sin was *proudly*, *presumptuously* and with a *high hand*, committed against the command and authority of the *blessed*

God. Such person therein despising and reproaching the Lord shall be put to *death*. Num. 15 : from 30 to 36 verse. (1656.)

30. Forgery shall be punished in this Jurisdiction, by the offenders standing on the Pillory three severall *Lecture* days or other days of more publick resort, as the Court shall appoint, with double damages to the party wronged, and be disabled as a witness. (Endicott's Code.)

31. Fornicators, They shall be punished, either by *enjoyning* marriage, or fine, or corporall punishment, or *all*, as the Court shall judge most agreeable to the word of God. Exod. 22 : 16, 17. Enacted, 1656.

32. No man's person shall be imprisoned, either for fine or debt to this Jurisdiction, or particular person, if estate doe appear, unless contempt, or other proud and offensive behavior against the Court, or any Authority here settled, be mingled with his cause, if so, he may be imprisoned, at his own charge. Ezra 7 : 26. Enacted, 1656.

33. If any person commit *Incest*, he shall be put to death, Levit. 20 : 11, 12, 14, 17, 19, 20, 21. (1656.)

34. Any man may, that will, sell beere or ale out of doors, at a penny a quart or cheaper. (1655.)

35. No person within this Jurisdiction shall sell any Wine, *strong water*, or Beer, to an Indian, under the penalty of 5s. for the first offence, 10s. for the second offence—and the third, to be fined at the discretion of the Court. (1656.)

36. If any person above the age of fourteen years, shall willingly make and publish any *lye*, which may be pernicious to the publick weale—The offender shall pay to the Plantation, as it is a sin against God, for the first offence 10s., and for the second offence 20s., and if unable to pay, he shall be committed to the stocks; for the first, one hour, for the 2nd, four hours, and if he offend the 3rd time, he shall be publickly whipt, and may be bound over to the

Court of Magistrates. (Re-enacted, 1656, with alterations.)

37. All who shall take excessive wages for work, or unreasonable prises for commodities, every such person shall be punished by fine, or imprisonment, as the court shall Judge meet. (1656.)

38. If any man shall kiss his wife* or wife kiss her husband on the Lord's day, the party in fault, shall be punished, at the discretion of the Court of Magistrates.

39. If any person rise up by false witness, willingly, and of purpose to take a man's life, that person shall be put to death. Deut. 19 : 16, 18, 19. (1656.)

40. No man's life, shall be taken away, honour, or good name shall be stained, his person imprisoned, banished or punished, deprived of his wife or children, or property taken, unless by virtue or equity of some express Law, established by the Gen'l Court, and published: and *for want of a Law in any particular case*, shall be judged *by the word of God*. 1656.

41. All capitall causes, concerning life, or banishment, if there is no expresse Law, shall be Judged according to the word and Law of God, by the Generall Courte. 1656.

42. Two good witnesses, of fair reputation, shall be required to take life in all cases. 1656.

Thus are compiled, all the ancient Laws that can under any circumstances be termed Blue Laws, as it embraces many of the Laws compiled by Gov. Eaton, as well as those mentioned by Peters, and a few from the *State Record*.—The various Laws have been published as Blue Laws, such as, that beer was forbidden to be made on Saturday, to pre-

* Tradition says a gentleman of New Haven, after an absence of some months, reached home on the Sabbath, and meeting his wife at his door, kissed her with an appetite, and for his temerity in violating this Law, the next day was arraigned before the Court, and fined, for so *palpable* a breach of the Law, on the Lord's day.

vent the commission of sin by its working on the Sabbath, upon the penalty of flogging the barrel.—It has been reported as true, that in the early settlement of Virginia, squirrels were so numerous, they injured and often destroyed the fields of corn, and the outside rows were usually entirely consumed—To prevent which, the Genl. Court soberly set themselves at work to remedy the evil—and therefore Ordered that thereafter, no planter should have or plant any *out side row* in his cornfield. Many similar stories have been circulated against the early settlers in this country, most of which must necessarily have been false, particularly in the two cases here related, as the enactment of such laws evidently shew a want of common sense, and would be a charge against our ancestors they never merited. Though it is said every generation grows wiser, still I much doubt whether the sound common sense of the Puritan Fathers has been very greatly improved upon by any generation of men since.—They may have been bigoted, and fanatics in religion, but it is no evidence of a deficiency of common sense; for how often do we find men in this enlightened age, learned men of superior intellect, equally bigoted with any of the Puritans upon that subject.—Indeed fanaticism is the last and lowest evidence to be offered as proof of a deficiency of understanding; for even at this day, look into our halls of Congress, and you find political fanatics upon both sides of the great questions agitated in this country, which approaches near to *mono mania*, and goes as far to prove their want of intellect, as does the bigotry of our ancestors to prove theirs. Indeed fanaticism is no better evidence of imbecility of mind, than wealth is of the wisdom of its possessor.

There was an ancient law in Massachusetts, *that ladies' dresses should be made so long as to hide their shoe buck-

*Such a Law in these days, would improve the modesty of the ladies in this country.

les, and in 1630 there was an Act of the General Court also prohibiting short sleeves, and requiring garments to be lengthened so as to cover the arms to the wrists, and gowns to the shoe buckles; "immoderate great breeches, knots of ribin, broad shoulder bands, and they be, silk roses, double ruffs and cuffs."—In the same colony in 1653, I. Fairbanks was tried for wearing *great* boots, but was acquitted. These cases shew only the power of fashions over public opinion.

I hereby certify that I have carefully and faithfully compared the following copy of "New Havens Settling in New England. And some Laws for Government," with the original printed copy in the Library of the American Antiquarian Society, and that the same is correct.

CHRISTOPHER COLUMBUS BALDWIN,
Worcester, Mass. Jan. 10, 1835. *Librarian.*

NEW HAVEN'S
SETTLING IN
NEW ENGLAND.
AND SOME
LAWS FOR GOVERNMENT:
PUBLISHED FOR THE USE OF THAT COLONY.

Though some of the Orders intended for present convenience, may probably be hereafter altered, and as need requireth other Lawes added.

LONDON,

*Printed by M. S. for LIVEWELL CHAPMAN, at the Crowne
in Popes-head Alley, 1656.

*This Code of Laws has not been published since 1656, and but two original copies are to be found in this country, of which the following is a true transcript, certified by C. C. Baldwin, Esq. (now decess'd) the former Librarian of the American Antiquarian Society in Worcester, Massachusetts.

NEW HAVEN'S

SETTLING IN

NEW ENGLAND.

And some Laws for Government, &c.

It hath pleased the only wise and all sufficient God, who ruleth all the world, determines times, and sets the bounds of all mens habitations, but is the rich and pretious portion of them that fear and trust in him, at sundry times and upon weighty occasions, to bring several companies of his people, over the great deeps, into this part of America, called New England, a place far remote from their dear native country, and hath here planted, protected, and graciously provided for them.

The first adventurers (before they had conveniency for travell, and opportunity to consider, and compare one place with another,) sate down Plymouth, and have had much experience of Gods goodnesse and compassion in a wilderness, now betwixt thirty and forty years.

In some years after, the Lord bringing over more of his people, they planted in and about the Massachusetts Bay, and grew a large colony, and after them the English in Connecticut, and New Haven, for the conveniency of the Sea, and Rivers, planted more Westerly; and for a while continued, though united in Nation, Religion and affection yet otherwise severall and distinct Jurisdictions, free from any express Ingagement one to another—In this time the Enemy slept not, but was at work to disturb the peace of the English both in sowing Tares, within among themselves and stirring up the Indians, from abroad against them; but he that is wonderfull in counsell, and excellent in working, overpowered Satan, and his instruments and gave good issues to his people, in those their uncomfortable exercises.

a while after, upon the motion of the Massachusetts Colony, a treaty was begun, and in processe of time, comfortably finished; solemn covenants were agreed, and concluded betwixt the said Jurisdictions, in the following words.—

ARTICLES

OF

Confederation betwixt the Plantations under the Government of the Massachusetts, the Plantations under the Government of Plymouth, the Plantations under the Government of Connecticut, and the Government of New Haven, with the Plantations in combination therewith.

Whereas we all come into these parts of America, with one and the same end and ayme, namely, to advance the Kingdom of our Lord Jesus Christ, and to enjoy the liberties of the gospel, in purity with peace; and whereas in our settling, (by a wise providence of God) we are further dispersed upon the Sea Coasts and Rivers, then was first intended, so that we cannot (according to our desire) with convenience communicate in one Government, and Jurisdiction; and whereas we live encompassed with people of severall nations, and strange languages, which may hereafter prove injurious to us, and our posterity: And for as much as the natives have formerly committed sundry insolencies and outrages upon several plantations of the English, and have of late combined themselves against us; and seeing by reason of the sad distractions in England, which they have heard of, and by which they know we are hindered, both from that humble way of seeking advice, and reaping those comfortable fruits of protection which, at other times, we might well expect; we therefore doe conceive it our bounden duty, without delay, to enter into a present consolation amongst ourselves, for mutuall help and strength in all our future concernments, that as in nation, and Religion, so in other respects, we be, and continue, one, according to the tenour and true meaning of the ensuing articles.

1. Wherefore it is fully agreed and concluded by and

between the parties, or Jurisdictions above named, and they doe joyntly and severally by these presents, agree and conclude, that they all be, and henceforth be called by the name of the United Colonies of New England.

2. The said United Colonies, for themselves and their posterities, doe severally and joyntly, and severally hereby enter into a firm and perpetuall league of friendship and amity, for offence and defence, mutuall advice and succour, upon all just occasions, both for preserving and propogating the truth, and liberties of the Gospel, and for their own mutuall safety and welfare.

3. It is further agreed, that the plantations which at present are, or hereafter shall be settled within the limits of the Massachusetts, shall be forever under the government of the Massachusetts; and shall have peculiar jurisdiction amongst themselves, as an entire body; and that Plymouth, Connecticut and New Haven, shall each of them, in all respects, have the like peculiar jurisdiction and government within their limits. And in reference to the plantations which already are settled, or shall hereafter be erected and shall settle within any of their limits respectively, provided that no other jurisdiction shall hereafter be taken in as a distinct head, or member of this confederation; nor shall any other, either plantation or jurisdiction in present being, and not already in combination, or under the jurisdiction of any of these confederates, be received by any of them, nor shall any two of these confederates joyne in one jurisdiction without consent of the rest; which consent to be interpreted, as in the sixt ensuing articles is expressed.

4. It is also by these confederates agreed, that the charge of all Just Wars, whether offensive or defensive, upon what part or member of this confederation soever they fall, shall both in men, provisions, and all other disbursements, be born by all the parts of this confederation, in different proportions, according to their different abilities,

in manner following, namely: that the commissioners for each jurisdiction, from time to time, as there shall be occasion, bring a true account and number of all the males in each plantation, or any way belonging to, or under their several jurisdictions, of what quality or condition soever they be, from sixteen years old to three score, being inhabitants there. And that according to the different numbers which from time to time be found in each jurisdiction, upon a true and just account, the service of men, and all charges of the War be born by the poll: each jurisdiction or plantation being left to their own just course and custom, of rating themselves and people according to their different estates, with due respect to their qualities and exemptions among themselves, though the confederation take no notice of any such privilege. And that according to the different charge of each jurisdiction and plantation, the whole advantage of the War, (if it please God to so bless their endeavours) whether it be in lands, goods, or persons, shall be proportionably divided among the said confederates.

5. It is further agreed, that if any of these jurisdictions, or any plantation, under or in combination with them, be invaded by any enemy whomsoever, upon notice, and request of any three magistrates of that jurisdiction so invaded, the rest of the confederates, without further notice or expostulation, shall forthwith send ayde to the confederate in danger, but in different proportion, namely, the Massachusetts, one hundred men sufficiently armed and provided for such a service and journey; and each of the rest, five and forty men, so armed and provided, or any lesse number, if lesse be required, according to this proportion. But if such a confederate may be supplied by their next confederate, not exceeding the number hereby agreed, they may crave help there, and seek no further for the present. The charge to be born as in the articles is expressed; and at their return to be victualled and supplied

with powder and shot, (if there be need) for their journey, by that jurisdiction which employed or sent for them. But none of the jurisdictions to exceed these numbers, till by a meeting of the commissioners for this confederation, a greater ayde appear necessary. And this proportion to continue, till upon knowledge of the numbers in each jurisdiction, which shall be brought to the next meeting, some other proportion be ordered. But in any such case of sending men for present ayde, whether before or after such order or alteration, it is agreed, that at the meeting of the commissioners for this confederation, the cause of such War or invasion be duly considered, and if it appear that the fault lay in the party so invaded, that then, that jurisdiction or plantation make just satisfaction, both to the invaders, whom they injured, and bear all the charges of the War themselves, without requiring any allowance from the rest of the confederates toward the same.

and further, if any jurisdiction see any danger of an invasion approaching, and there be time for a meeting, that in such case, three magistrates of that jurisdiction may summon a meeting at such convenient place as themselves shall think meet, to consider and provide against the threatened danger. Provider, when they are meet, they may remove to what place they please, onely while any of these four confederates have but three magistrates in their jurisdiction, a request or summons from any two of them, shall be accounted of equal force with the three mentioned in both the clauses of this article, till there be an increase of magistrates there.

6. It is also agreed, that for the managing and concluding of all affaires proper to, and concerning the whole confederation, two commissioners shall be chosen by, and out of the foure jurisdictions, namely, two for the Massachusetts, two for Plymouth, two for Connecticut, and two for New Haven, being all in church fellowship with us, which shall bring full power from their severall generall

Courts respectively, to hear, examine, weigh and determine all affaires of War or peace, leagues, aydes, charges and numbers of men for War, division of spoyles or whatsoever is gotten by conquest, receiving of more confederates or plantations into combination with any of these confederates, and all things of like nature, which are the proper concomitants or consequences of such a confederation, for amity, offence and defence, not intermedling with the Government of any of the Jurisdictions, which by the third article is preserved entirely to themselves. But if these eight commissioners, when they meet, shall not all agree, yet it is concluded that any six of the eight agreeing, shall have power to settle and determine the business in question. But if six doe agree, that then such propositions, with their reasons, so far as they have been debated, be sent, and referred to the foure Generall Courts, viz., the Massachusetts, Plymouth, Connecticut and New Haven. And if at all the said Generall Courts, business so referred, be concluded, then to be prosecuted by the confederates and all their members. It is further agreed, that these eight commissioners shall meet once every year, besides extraordinary meetings, according to the fifth article, to consider, treat, and conclude of all affaires belonging to this confederation; which meeting shall ever be the first Thursday in September. And that the next meeting after the date of these presents, which shall be accounted the second meeting, shall be at Boston, in the Massachusetts, the third at Hartford, the fourth at New Haven, the fifth at Plymouth, the sixth and seventh at Boston; and then Hartford, New Haven and Plymouth, and so in course successively. If in the mean time, some middle place be not found out and agreed on, which may be comodious for all the jurisdictions.

7. It is further agreed, that at each meeting of the eight commissioners, whether ordinary or extraordinary, they all, or any six of them agreeing as before, may choose

their President out of themselves, whose office and work shall be to take care, and direct for order, and a comely carrying on of all proceedings in the present meeting. But he shall be invested with no such power or respect, as by which he shall hinder the propounding or progresse of any businesse, or any way cast the scales, otherwise than in the precedent article is agreed.

8. It is also agreed, that the commissioners for this confederation, hereafter at their meetings, whether ordinary or extraordinary, as they may have commission or opportunity, doe endeavor to frame and establish agreements and orders in generall cases of a civil nature, wherein all the plantations are interested, for preserving peace amongst themselves, and preventing (as much as may be) all occasions of War, or differences with others, as about the free and speedy passage of justice in each jurisdiction, to all the confederates equally, as to their own, receiving those that remove from one plantation to another, without due certificates, how all the jurisdictions may carry it towards the Indians, that they neither grow insolent, nor be injured without due satisfaction, lest War breaks in upon the confederates, through such miscarriages. It is also agreed, that if any servant run away from his master, into any other of these confederated jurisdictions, that in such case, upon the certificate of one magistrate in the jurisdiction, out of which the said servant fled, or upon other due proof, the said servant shall be delivered, either to his master, or any other that pursues and brings such certificate, or proof. And that upon the escape of any prisoner whatsoever, or fugitive, for any criminall cause, whether breaking prison, or getting from the officer, or otherwise escaping, upon the certificate of two magistrates of the jurisdiction, out of which the escape is made, that he was a prisoner, or such an offender at the time of the escape; the magistrates, or some of them, of that jurisdiction, where for the present the said prisoner or fugitive abideth, shall forthwith grant

such a warrant as the case will bear, for the apprehending of any such person, and the delivery of him into the hand of the officer, or other person who pursueth him. And if help be required for the safe returning of any offender, it shall be granted unto him that craves the same, he paying the charges thereof.

9. And for that the Justest Wars may be of dangerous consequence, especially to the smaller plantations in these United colonyes, it is agreed that neither the Massachusetts, Plymouth, Connecticut, nor New Haven, nor any of the members of any of them, shall at any time hereafter, begin, undertake, or engage themselves, or this confederation, or any part thereof, in any War whatsoever, (sudden exigents with the necessary consequences thereof excepted, which are also to be moderated as much as the case will permit,) without the consent and agreement of the fore named commissioners, or at least six of them, as in the sixth article is provided. And that no charge be required of any of the confederates in case of a defensive War, till the said commissioners have met, and approved the Justice of the War; and have agreed upon the sum of money to be levied, which sum is then to be paid by the severall confederates in proportion, according to the fourth article.

10. That in extraordinary occasions, when meetings are summoned by three Magistrates of any Jurisdiction, or two, as in the fifth article, if any of the commissioners come not, due warning being given, or sent, it is agreed that four of the commissioners shall have power to direct a War which cannot be delayed, and to send for due proportions of men out of each Jurisdiction, as well as six might doe, if all met; but not lesse than six shall determine the Justice of the War, or allow the demands, or Bills of charges, or cause any levies to be made for the same.

It is further agreed, that if any of the confederates shall hereafter break any of these present articles, or be any other way injurious to any one of the other Jurisdictions,

such breach of agreement or injury, shall be duly considered, and ordered by the commissioners for the other Jurisdictions, that both peace, and this present confederation, may be entirely preserved without violation.

Lastly, this perpetuall confederation, and the severall articles and agreements thereof, being read and seriously considered, both by the Generall court for the Massachusetts, and by the commissioners for Plymouth, Connecticut, and New Haven, were presently and fully allowed and confirmed by three of the forementioned confederates, namely: the Massachusetts, Connecticut, and New Haven; in testimony whereof, the Generall Court of the Massachusetts, by their Secretary, and the commissioners for Connecticut and New Haven subscribed them the 19th day of the third month, commonly called May, Anno Domini, 1643.

Only the commissioners from Plymouth, having brought no commission to conclude, desired respite to advise with their Generall Court, which was granted, and at the second meeting of the commissioners for the confederation, held at Boston in September following, the commissioners for the Jurisdiction of Plymouth, delivered in an order of their Generall Court, dated the 29th of August, 1643, by which it appeared that these articles of confederation were read, approved, and confirmed by the said Court, and all their townships, and their commissioners authorized to ratifie them by their subscriptions, which they accordingly did the 7th day of September, 1643.*

The commissioners for Massachusetts were,

JOHN WINTHROP,

THOMAS DUDLEY,

SIMON BRADSTREET,

W. HAWTHORNE,

—— GIBBONS,

—— TYNG.

* The foregoing articles were signed in behalf of the commissioners and the General Court of Massachusetts, by Increase Nowell, Secretary.

JOHN HAYNES,	}	Connecticut.
EDWARD HOPKINS,		
THEOPHILUS EATON,	}	New Haven.
THOMAS GREGSON,		
EDWARD WINSLOW,	}	Plymouth.
WILLIAM COLLIER,		

NEW HAVEN 1.

When the Plantations within this Colony first treated to be one Jurisdiction, and to settle themselves under one Government, these following particulars were solemnly and unanimously approved and concluded as a fundamentall agreement, upon which the combination was formed.

That none shall be admitted Freemen, or free Burgeses, within this Jurisdiction, or any part of it but such planters as are members of some one or other of the aproved churches of New England; nor shall any such be chosen to Magistracy, or to carry on any part of civil Jurisdiction, or as Deputies or assistants to have power, or vote in establishing Laws, or in making or repealing Orders, or to any chief Military Office, or trust, nor shall any others, but such church members have any Vote in any such Elections, though all others admitted to be planters have right to their proper Inheritances, and doe and shall enjoy all other civil liberties and priviledges according to all Laws, Orders, or grants, which on, or hereafter shall be made for this Colony. *

That all such Freemen of this Jurisdiction, shall yearly without any summons, upon the Election day, which is to be the last fourth day in the week, commonly called Wednesday in May, (till by the Generall Court some other time be ordered and published) either in person, or by proxy, attend that service: and according to their best light from the word of God, shall vote in the Election of Governour,

* Deut. 1; 13. Exod. 18; 21. Deut. 17; 15. Jer. 30; 21.

Deputy Governour, Magistrates, Commissioners for the United colonyes, Treasurer, Secretary, Marshall, or any other officer, then chosen for the Jurisdiction. And for the ease of the said Freemen (especially such as dwell remote) it is agreed that when any of them cannot conveniently come, they may send their votes, either written or in some other way, sealed up in the presence of the rest of the freemen in the plantation where they dwell, or the greater part of them. And further, if any of them purposing to be present at the Election, when the other Votes were sealed up, should after be hindred, and then want opportunity to seale up his Vote in the presence of the major part of the Freemen; in such case he may seale it up in the presence of two such Freemen as knew he sent no vote before, (and upon their testimony or certificate) it shall be accepted, that so the liberty of the Freemen may be preserved, they may have means to attend their duty, and their Votes may be directed according to their particular light. And the said Freemen may at any the Election court yearly, choose so many magistrates for the Jurisdiction in such plantation as the weight of affaires shall require, and as they shall there find Freemen fit for such a trust; provided that when any man of what plantation soever, shall be first propounded for magistracy within this Jurisdiction, seasonable notice shall be first given to all the Plantations, of such a purpose, or desire, that all the Freemen may duely consider or informe themselves, and that such as cannot be present, but send their Votes, may proceed accordingly; and that each Freeman, whether present or absent, at the Election, may the better improve his liberty, it is ordered that he may give or send his vote, as he finds cause, either in the affirmation, by putting in an Indian corne, or in the negative, by putting in a beane, or in such other manner as the Generall Court Judge more convenient.

That the affaires of this Jurisdiction may be the better

carried on, and that the Inhabitants may know whom to obey, and from whom to seek redresse of injuries, it is agreed that thereby severall courts for several purposes and of different constitutions and power. †

First a General Court, which shall consist of the Governor, Deputy Gove'r. all the Magistrates, and of two Deputies for each Plantation in the Jurisdiction (where there is a church duely gathered, and Freemen orderly admitted) which Deputies shall be chosen either yearly, or against the approach of any such Generall Court, by the Freemen of each plantation, or the great number of them, and shall be sent at each Generall Court with full power (as having the power and Voyces of all the said Freemen derived to them) to consult of, and determine all such matters as concerne the publick welfare of this colony, and with due certificate thereof, all which, both Governor, Deputy Governor, Magistrates, and plantation Deputies, shall have Vote in the said Court.

This Generall Court, and all the members thereof, shall from time meete, and sitt at New Haven, (unlesse upon weighty cause, the major part of the Court see cause for a time to alter the place) at least once every yeare, namely, the last fourth day in the weeke commonly called wednesday in May, first to carry on the Elections, and after to consider and order all such other affaires of the Jurisdiction, as fall within their cognizance, trust and power, beside which fixed courts, the Governor, or in his absence, the Deputy Governor, and in their absence, any two Magistrates of this Jurisdiction, shall have power to summon a generall court at any other time, as the urgent extraordinary occasions of the Jurisdiction, or any part thereof, may require, and at all such Generall Courts, whether ordinary or extraordinary, the Governor, Deputy Governor,

† Ex. 18; 21, 22. Deut. 1; 16, 17. Deut. 16; 18.

Magistrates, with all the forementioned Deputies, shall sitt together till the affaires of the Jurisdiction be dispatched, or may (as they conceive) be safely respited; and if any of the said Magistrates or Deputies, shall either be absent at the first sitting of the said Court, or without leave depart, or disorderly absent him, or themselves from the service, before the court be finished, (though the absence of a lesse part, either of Magistrates or Deputies, when the court is either fixed, or with due notice, called extraordinary, it shall neither stop proceedings nor abate the force of what is ordered by the major part, both of Magistrates and Deputies, yet) he, or they, shall each of them pay twenty shillings for a fine to the Jurisdiction for such absence or departure: but if any Plantation send no Deputy, or if the absence or departure be mingled with contempt, or willfull neglect, which may either hinder the publick service, or prove an ill example, the fine shall be increased as the court upon due consideration of the offence, with the aggravations, shall Judge meete, or if the absence, &c., grow by any overruling providence of God, the same is also duely to be considered by the court, for sparing or mittigating the fine.

1. This Court thus framed, shall first, with all care and dilligence, from time to time, provide for the maintenance of the purity of Religion, and suppress the contrary, according to their best light and directions from the word of God.*

2. Secondly, though they humbly acknowledge, that the supreme power of making laws, and of repealing them, belong to God only, and that by him, this power is given to Jesus Christ, as Mediator, Math. 28: 19. Joh. 5: 22. And that the Laws for holinesse, and Righteousnesse, are already made, and given us in the scriptures, which in matters morrall, or of morall equity, may not be altered by hu-

* Psal. 2: 10, 11, 12. 1 Tim. 2: 2.

mane power, or authority; Moses only shewed Israel the Laws, and statutes of God, and the sanedrim, the highest Court, among the Jews, must attend those Laws. Yet civill Rulers and Courts, and this Generall Court in particular, (being intrusted by the freemen as before,) are the ministers of Good people; and have power to declare, publish, and establish, for the plantations within their Jurisdictions, the Laws he hath made, and to make, and repeale orders for smaller matters, not particularly determined in scripture, according to the more Generall Rules of Righteousnesse, and while they stand in force, to require due execution of them.*.

3. Thirdly, to require an oath from all the Magistrates, Deputies, or Assistants, &c., in every Court of Judicature, for the faithfull discharge of the trust, committed to them, according to their best abilities. And to call them to account for the breach of any Laws established, or for other misdemeanours in their places, and to censure them as the quality of the offence may require; and here the Vote to passe, as in the Law of Appeals.†

4. Fourthly, to impose an oath of Fidelity and due subjection to the Just Lawes standing in force, upon all the Freemen, planters, and Inhabitants fit to take an oath, with due penalty for obstinate refusall, after, some convenient time hath been given for due consideration.‡

5. Fifthly, to order and appoint such works and Fortifications, as they conceive may tend to the better defence of this Colony; with Guns, Ammunition, and all other provisions and furniture, suitable thereunto; and to provide that the same be kept and preserved in a condition fit for present service, whether against Indians, or other Enemies. And to order all affairs of War and peace, levying of men,

* Esay. 33; 22. Deut. 5: 8. Deut. 17: 11. Rom. 13; 4.

† 1 Sam. 12; 3.

Eccles. 8; 2. 2 K. 11; 4, 17. Ezra 7: 26.

&c. with due respect to the former articles of confederation.*

6. Sixthly, To order and regulate Trade, both with Indians and others, according to the Rules of Righteousness, and prudence, for the publick good ; and to settle and levy Rates, Contributions, and Impositions upon all sorts of persons, Lands and goods, within this Jurisdiction, as the public service, and occasions of Church or Common-wealth, from time to time may require.†

7. Seventhly, To hear and determine all cases, whether civill or criminall, which by appeal or complaint, shall be orderley brought unto them, either from any inferiour Court, or from any of the plantations. In all which, with whatever else falls within their cognizance, trust or Judicature, (as the highest Court within this Jurisdiction,) they shall proceed according to scripture light, and Lawes, and orders, agreeing therewith. And nothing shall be concluded, and pass as an act of the Generall Court, (unlesse in cases expressly excepted,) but by the consent and Vote of the major part of the Magistrates, together with the consent and Vote of the greater part of the Deputies.‡

Secondly, there shall be a Court, called the Court of Magistrates, wherein all the Magistrates for the Jurisdiction shall meete, and sitt at New Haven, at least twice a year ; namely, the second day of the weeke, commonly called Munday, before the Court of Elections in the third month, called May, and the third fourth day in the weeke, commonly called Wednesday, in the Eight month, called October, to heare, examine, and determine, all weighty and Capitall caus, Civil and Criminall, above those limited to Plantation Courts, and to receive, and try all appeales duely brought unto them, from plantation Courts, and to

* 2 Chron. 32 : 2, 3, 4, 5, 6.

† Ezek. 28 : 18. Rom. 13 : 4, 6, 7.

‡ Exod. 18 : 21, 22. 2 Tim. 3 : 16.

call all the Inhabitants, Freemen, planters, and others, to account for breach of any Lawes or orders, established, or for other misdemeanours, and to censure them, as the quality of the offence shall require, in which meetings of the Magistrates, lesse than four Magistrates shall not be accounted a Court, nor shall they carry on any businesse as a Court of Magistrates. But it is expected, and required, that all and every of the Magistrates for this Jurisdiction, doe constantly attend the publick service at every Court of Magistrates, whether fixed, or upon speciall occasion duly summoned, either by the Governor, or in his absence, by the Deputy Governor, or in their absence, by any two Magistrates of this Jurisdiction, and if any of them, (having had due warning,) be absent at the first setting of any such Court, or after, without leave, depart, or disorderly absent himselfe from the service, before the Court be finished, he or they, shall pay for every such default, twenty shillings fine to the Jurisdiction, or more, as the case may require, unlesse some providence of God, (whereof the Court of Magistrates, shall from time to time Judge,) did necessarily cause the same, and all sentences in this Court, shall pass by the Vote of the major part of the Magistrates present, onely the Governor, and in his absence, the Deputy Governor, when Votes in other respects are equall, shall in this Court, and when they, or either of them, sitt in a Plantation Court, have a casting Voyce, but from this Court, appeales and complaints may be made, and brought to the Generall Court, the Plaintiff in point of security, first duely attended the Law of appeales.

Thirdly, besides the Generall Court, and Court of Magistrates, for the case of the Inhabitants, there shall be Plantation Courts, to heare and determine inferior causes, which Courts may be of two sorts, namely, every Plantation, within this Jusisdiction, where there is a Magistrate, one or more, the Freemen from among themselves, shall choose at least two Deputies, but three or fower, if they see

cause, to assist the Magistrate or Magistrates, and in such Courts, they may try any civill cause betwixt party and party, in valew not exceeding twenty pounds, and any criminall cause, when the punishment by scripture light, exceeds not stocking and whipping, and if the fine be pecuniary, when the fine exceeds not five pounds, and in all such Courts, the sentence shall passe according to the vote of the major part of the Court, onely when votes in their number are equall, the casting Voyce shall be in the Governor or Deputy Governor, or Magistrates present. But to expedite Justice, with as little inconvenience as may be, to Magistrates more remote, it is agreed, and ordered, that any such plantation Court, calling in two other Magistrates, from any other neighbouring Plantation, or Plantations, within this Jurisdiction, may try any civill cause, though of the highest valew, and any Criminall cause, provided it be not Capitall, extending to the life of the offender; but in such Plantations, if the Magistrate upon any occasion be absent, the Deputies alone have no power or Judicature, onely to prevent inconveniences, they may order the Marshall stay any malefactor or suspicious person, or seize, or stop the estate of any man, or part of it, upon case shewn, when the case will not admit delay, till the Magistrate come home, provided that sufficient security be taken of him or them, causing such stay or seizure, to pay Just damages, if the proceedings prove unwarrantable, and in case of remove or Death of such Magistrate, the Deputies fall in with other Plantations, where there is no Magistrate, till further order be taken, and in such Plantations, Deputies being chosen, either by the Generall Court, or with their allowance, by the freemen from among themselves, they may keepe Courts to issue smaller causes, and order other affairs in all respects, as the Generall Court shall, from time to time appoint and limit, but from all these Courts, and in all tryalls and proceedings in them, appeals and complaints may be brought

to the Court of Magistrates, the Plaintiff putting in security, according to the law of appeales.

These Generalls were at first laid, as a foundation for Government, though it was foreseene, and agreed, that the circumstantialls therein, such as the ordinary, and fixed times, both for Elections, and for the meeting of the Generall Court, and Court of Magistrates, how oft, and when they shall sit, the fines for absence, or disorderly departing and the Valew of causes to be tryed in Plantation Courts, with other particulars in their proceedings, might after be considered, continued and altered, as may best suit the course of Justice, and the conveniency of the Plantations.

Certain Lawes, liberties, and orders, made, granted and established, at severall times, by the Generall Court of New Haven Colony, for, and to the Inhabitants of that Jurisdiction, now collected, and further published, for the use of such as are concerned in them, wherein they have made use of the Laws published by the Honoreable Colony of Massachusetts.

It is ordered by this Court, and the authority thereof, that no man's life, shall be taken away, no man's honour, or good name shall be stained, no man's person shall be imprisoned, banished, or otherwise punished, no man shall be deprived of his wife, or children, no man's goods or estate shall be taken from him, under colour of law or countenance of authority, unlesse it be by vertue, or equity of some expresse Law of this Jurisdiction, established by the Generall Court, and sufficiently published; or for want of a law in any particular case, by the word of God, either in the Court of Magistrates, or some plantation Court, according to the weight and valew of the cause, onely all Capitall causes, concerning life or banishment, when there is no expresse Law, shall be Judged according to the word and law of God, by the Generall Court.

That no man shall be put to Death, for any offence, or

misdemeanour in any case, without the testimony of two witnesses at least, or that which is equivalent thereunto, provi and to prevent or surpress much inconvenience which may grow, either to the publick or to particular persons by a mistake therein, it is ordered and declared, by the authority aforesaid, that two or three single witnesses, being of competent age, of sound understanding and of good reputation, and witnessing to the case in question, (whether it concern the public peace and welfare, or any one, and the same particular person,) shall be accounted (the party concerned, having no just exception against them) sufficient proffe, though they did not together see, or heare, and so witnesse to the same individuall, and particulr act, in reference to those circumstances of time and place.

ACTIONS.

It is ordered by this Court, and the authority thereof, that every person impleading another, in the Court of Magistrates, or in any Plantation Court, when the debt or damage he demands, or the Action he layeth, is above twenty pounds, so that it cannot be tryed by a Plantation Court, unless two Magistrates of some other Plantation be called in to assist, he shall pay the sum of ten shillings, before his case be entered, or any part of it heard, unless the Court see cause to admit the Plaintiff to sue in forma pauperis. But in all actions, brought to any Court, the Plaintiff shall have liberty to withdraw his action or to be nonsuited, before sentence passe, in which case, he shall always pay full cost and charges to the defendant, and may after renew his suit at another court.

AGE.

It is ordered, &c. that the age for passing away of Lands, or such kinds of Hereditaments, or ingagements of like nature, as for giving of Votes, passing sentences in publick

Meetings, civil courts or causes, shall be at least twenty and one years, but in cases admitting the choyce of Guardians, any age above fourteen may be sufficient.

APPEALS.

It is ordered, &c. That if any man cast, or sentenced in his cause, be unsatisfied with the proceedings and issue, it shall be in his liberty (the cause not being criminall) to make appeal from any Plantation Court, to this Court of Magistrates; and in like case from the court of Magistrates, to the Generall Court. But in such case, when the Magistrates, or some of them, have already exprest themselves, to prevent difference and inconvenience, it is ordered, that the Major part of the Generall Court, consisting of Magistrates and Deputies, taken jointly shall issue it, but to prevent, or provide against unnecessary trouble to Courts, charge to the Jurisdiction, and other inconveniences which may follow, if the course of Justice be delayed, or evaded, it is farther ordered, that whosoever shall so appeal, do tender his appeal, and put in sufficient security before the Judges of the Court, from which he appeales, the secretary or other person or persons, authorised to admit appeals, effectually by himself, his Deputy or Attorney to prosecute his Appeal at the next usuall fixed time of that Courts sitting, to which the appeale is made; and to observe, perform, and to pay to the Defendant, as shall be there adjudged; but every such appeal shall be entered, and security as before put in, within three days after sentence in the cause was given, and the same at the charge of the party appealing, to be recorded, and certified to the Court, unto which the appeal is made. And lastly, it is ordered, that in the review it appear, the plaintiff had no cause to appeale, petition, or complain, he shall pay such further charge, as the Court shall judge hath been expended in their sitting to re-examine his cause, that no unnecessary charge fall upon the colony.*

*Acts, 25, 9 to 30—Exo, 22, 9.

APPEARANCE, NON-APPEARANCE.

It is ordered, &c. That no man shall be punished for not appearing at or before any Civil Assembly, Court, Magistrate, or officer, nor for omission of any office or service to be performed in his own person only, if he shall be necessarily hindered by any apparent providence of God, which he could neither foresee nor avoid, and by giving or sending notice, hath done what was in his power. Provided, that this law shall not prejudice any person of his just coste and damage, in any civil action.

ARRESTS.—SEE IMPRISONMENTS.

Attachments. See further in the Title Distresse.

It is ordered, &c, That no Attachment shall be granted in any civil action to any Forraigner, against a settled Inhabitant of this Jurisdiction, before he hath given sufficient security or caution, duly to prosecute his Action, and to answer the Defendant such costs and damages, as the court shall award. And it is further ordered, that in all attachments of Goods and Chattels, and Lands or Hereditaments, whether by Forraigners or settled Inhabitants, legall notice shall be given to the party concerned, or left in writing at his house, or place of usuall abode, before the suit proceed; but if he be out of the Jurisdiction, the cause shall proceed to tryall, but Judgment shall not be entered till an other court, at least a month after. And if the Defendant doe not then appeare, Judgment shall be entered, but execution shall not be granted before the Plaintiff hath given sufficient security to be responsall to the Defendant, if he shall reverse the Judgment within one year, or such further time as the Court shall see cause to order.

BAKERS.

It is ordered, &c, that every person within this Jurisdiction, who shall bake Bread, for sale, shall have a distinct

mark for his Bread, and keep the true assizes hereafter expressed and appointed.

When Wheat is ordinarily sold by the Bushell at the severall rates hereafter mentioned, the penny white loaf, penny Wheaten Loaf, and penny Household loaf shall severally and respectively by averdupoyse, weighe as followeth.

s.	d.	the	when the Bushell of Wheat is
at	3	0,	penny white loaf $11\frac{1}{2}$ ozs. Wheaten $17\frac{3}{4}$ ozs. household 23 ozs.
at	3	6,	penny white loaf $10\frac{1}{2}$ ozs. Wheaten $15\frac{1}{4}$ ozs. household $20\frac{1}{2}$ ozs.
at	4	0,	penny white loaf $9\frac{1}{2}$ ozs. Wheaten 14 ozs. household $18\frac{1}{2}$ ozs.
at	4	6,	penny white loaf $8\frac{1}{2}$ ozs. Wheaten $12\frac{3}{4}$ ozs. household $16\frac{1}{2}$ ozs.
at	5	0,	penny white loaf $7\frac{3}{4}$ ozs. Wheaten $11\frac{1}{2}$ ozs household $15\frac{1}{2}$ ozs.
at	5	6,	penny white loaf 7 ozs. Wheaten $10\frac{1}{2}$ ozs. household $14\frac{1}{2}$ ozs.
at	6	0,	penny white loaf $6\frac{1}{2}$ ozs. Wheaten 10 ozs. household 13 ozs.
at	6	6,	penny white loaf 6 ozs. Wheaten $9\frac{1}{2}$ ozs. household $12\frac{1}{2}$ ozs.

And so proportionably under the penalty of forfeiting all such Bread, as shall not answer the forementioned severall assizes, and for the better execution of the Order, there shall be in every Plantation, as occasion may require, an officer yearly chosen, who shall be sworn at the next Plantation Court or by the next magistrate; or officer by taking oaths, unto the faithfull discharge of his office, who is hereby authorized to enter into any House, either with a Constable or Marshall, or without, when he understands that any Bread is Baked for sale, and to weigh such Bread, as often as he seeth cause; and after once notice, or warning, to seize all such Bread as he findeth defection in weight, or not marked according to this order, and all such forfeitures shall be divided, one third part to the officer for his care and paines, and the rest to the poor of the place.*

BALLAST.

It is ordered, &c, that no Ballast shall be cast out of any Ship, or other Ship in the Channel, or other place inconvenient, in any Harbour within this Jurisdiction, under the penalty of ten pounds to be levied upon the owners, Mari-

*Lev. 19, 36. Pro. 11, 1 & 20, 10. Deu. 25, 15. Am. 8, 5, 6.

ners, Seamen, or others offending, to the use of the said Plantation. The Ship or Vessel to be stayed till payment be made.

BARRATRY.

It is Ordered, &c, that if any person be proved and judged a common Barrater, vexing others with unjust, frequent and troublesome suites, it shall be in the power of any Court both to reject his cause, and to punish him for his Barratry.*

BILLS AND SPECIALTIES.

It is ordered, &c. that any debt or debts, due upon Bill or other specialty, being duly assigned to another, shall be as good a debt and estate to the assignee, as it was, or could be, to the assigner, and that it shall be lawfull for the said assignee to sue for, and recover the said debt, due upon Bill, or other specialty, and so assigned, as fully as the original Creditor might have done. Provided the assignation be either made upon the back of the specialty, or the Court some other way declared, that future questions may be stopped or duly answered.

BURGLARY AND THEFT.

It is ordered, &c., that if any person shall commit Burglary, or break up any dwelling House, or any thing equivalent, or rob any person by force, or by using any threatening gestures, or other actions in the fields, highwayes, or other place, the party so offending shall for the first offence (besides such restitution and damage as the court to which the cognizance belongs shall see cause to order,) be branded on the right hand, with the letter (B.) If he shall offend in the like kind a second time, (beside restitution and damage,) he shall be branded in the left hand, and also be severely whipt; and if he fall into the like offence the third

*Prov. 6, 19, 16, 28, 26, 21.

time (beside restitution and damage out of his estate,) he shall be put to death as incorrigible. And if any person shall commit such Burglary, or so rob in any place on the Lords day, he shall (beside restitution and damage,) for the first offence, be burnt on the right hand as before, and severely whipt; for the second offence, he shall be burnt on the left hand, stand on the Pillory, be severely whipt, and weare a halter in the day time constantly and visibly about his neck, as a mark of infamy, till the court of Magistrates see cause to release him from it. But if he fall into the same offence the third time, he shall be put to death as incorrigibly unrighteous, and presumptuously profane. And to prevent or suppress other thefts and pilferings, it is ordered that if any person shall be taken, or proved to have stolen, assisted, or any way have been accessory to the stealing of any cattel of what sort soever, or swine, he shall by way of forfeit, make such restitution to the owner as the court, considering all circumstances, shall Judge most agreeable to the word of God. And if any person shall be proved to have stollen any goods of what sort soever, out of any mans dwelling house, Ware house, Barn, or other out house, or left out in court yard, Garden, Orchard, highway, from the waterside, or out of any Boat or Vessel, or other place, or to have robbed any Garden, or Orchard, or stollen or hurt any grafts or fruit trees, or fruit, he shall forfeit and pay double damages to the owner, beside such further fine and punishment as the court, considering the circumstances of time, manner, &c., shall judge meet. If the thief in any part of the premises be not able to make restitution, (if the case require it,) he is to be sold for a servant, till by his labor he may make due restitution. And if any children, or servants, who cannot pay for themselves, shall transgresse, and trespasse in any part of the premises, if their Parents or Masters will not pay for them, they shall be publickly whipt, or further proceeded against, as the case may require. And all servants, and

workmen, imbeziling, pilfering, or stealing the goods of their masters, or such as set them on work, shall make such Restitution, and be liable to all Lawes and penalties as other men, and if any person shall be proved to pilfer or steale a second or third time, his punishment shall be increased by whipping or otherwise, as the court shall see cause. And for as much as small thefts, trespasses, or other offences of a criminal nature, are sometimes committed by the English, or others, in Townes or places remote from Prisons, or it may prove inconvenient to defer the Tryall, or to make stay of the persons offending, or hard to get security for appearance at a court, it is therefore ordered, that any Magistrate or Deputy intrusted to assist in Judicature, calling in such other help as the place affords for a plantation court, (which help is hereby required to attend the service upon due warning) may upon complaint brought to him, when the case so requires, with the first conveniency, heare, and upon due prooffe, determine any such offence (the valew whereof, either in point of fine, damage, or other punishment exceeds not the limits of that plantation court, according to the Lawes here established) and may give warrant to the Marshall, or other Officer, for answerable execution, but if the offender refuse to pay or have nothing to satisfie, the Magistrate or Deputy, with the help aforesaid, may punish by stocking, whipping, or otherwise, according to the nature of the offence, and import of this law.*

CAPITALL LAWES.

It is ordered, &c., that if any person after legall, or other due conviction, shall have, or worship any other God, but the Lord God, he shall be put to death. Exod. 22 : 20. Deut. 13 : 6, 10. Deut. 17 : 2, 3, 4, 5, 6.

* Zech. 13 ; 6, Judg. 18 ; 7. Num. 15 ; 30, 31. Ex. 22 ; 1 to 5 Ex. 22 ; 3.

If any person be a Witch, he or she shall be put to death, according to Exod. 22 : 18. Levit. 20 : 27. Deut. 18 : 10, 11.

If any person within this Jurisdiction, professing the true God, shall wittingley and willingly presume to blaspheme the holy name of God, Father, Son, or Holy Ghost, with direct, expresse, presumtuious, or high handed blasphemy, either by willfull or obstinate denying the true God, or his creation, or Government of the world, or shall curse God, Father, Son, or Holy Ghost, or reproach the holy Religion of God, as if it were but a politick device to keep ignorant men in awe ; or shall utter any other kind of Blasphemy like nature and degree, such person shall be put to death. Lev. 24 : 15, 16.

If any person shall commit any willfull murder, if he shall kill any man, woman or child, upon premeditated malice, hatred or cruelty, (not in a way of necessary and just defence, nor by meere casualty against his will,) he shall be put to death. Exod. 21 : 12, 13. Numb. 35 : 31.

If any person slayeth another suddenly in anger, or cruelty of passion, he shall be put to death. Levit. 24 : 17. Num. 35 : 16, 17, 18, 19, 20, 21.

If any person come presumptuously to slay another with guile, whether by any kind of force, poyson, or other wicked practice, every such person shall be put to death. Exod. 21 : 14, agreeing with Deut. 19 : 19, by parity of reason.

If any man or woman shall lye with any beast or brute creature by carnall copulation, he, or she, shall surely be put to death, and the beast shall be slaine, burned, and not eaten. Levit. 20 : 15, 16.

If any man lyeth with mankind, *ut vir fecit consuetudinem, cum muliere*, both of them have committed abomination, they both shall surely be put to death. Levit. 20 : 13. And if any woman change *naturalem consuetudinem* into that which is against nature, as Rom. 1 : 26, she shall be liable to the same sentence and punishment, or if any per-

son or persons, shall commit any other kind of unnaturall or shamefull filthiness, called in scripture the going after strange flesh, or other flesh, then God alloweth, *prava commercia alicujus alvei*,—then God in nature hath appointed to become one flesh, whether it be by abusing *diversum introitum* of a grown woman or child of either sex, or *immatuum ingressum* of a girl, wherein the naturall use of the woman is left, which God hath ordained for the propagation of posterity, and Sodomitical filthinesse. Jude 7: 24, (tending to the destruction of the race of mankind) is committed by a kind of Rape, nature being forced, though the will were enticed, every such person shall be put to death. Or if any man *agebit in se*, and in the sight of others, *ejus seminem fundet*, by example, or counsel, or both, corrupting or tempting others to doe the like, which tends to the sin of Sodomy, (Gen. 38: 9, 24,) if it be not one kind of it: or shall defile or corrupt himself and others, by any other kind of sinfull filthinesse, he shall be punished according to the nature of the offence: or if the case considered with the aggravating circumstance, shall according to the mind of God revealed in his word, require it, he shall be put to death, (as the Court of Magistrates shall determine.) Provided that if in any of the former cases, one of the parties were forced, and so abused against his, or her will, the innocent person (crying out, or in due season complaining,) shall not be punished, or if any of the offending parties were under fourteen years old when the sin was committed, such person shall onely be severely corrected, as the Court of Magistrates considering the age and other circumstances shall Judge meet.

If any man married, or single, commit Adultery with a married or espoused Wife, the Adulterer and Adulteress, shall surely be put to death. Lev. 18: 20. Lev. 20: 10. Deut. 22: 23, 24.

If any person steale a man, or mankind, that person shall surely be put to death. Exod. 21: 16.

If any person rise up by false Witnesse, wittingly and of purpose to take away any man's life, that person shall be put to death. Deut. 19 : 16, 18, 19.

If any person shall conspire, and attempt any invasion, insurrection, or public Rebellion against this Jurisdiction, or shall endeavour to surprise, or seize any Plantation, or Towne, any Fortification, Platform, or any great Guns provided for the defence of the Jurisdiction, or any plantation therein ; or shall treachously and perfidiously attempt the alteration and subversion of the frame of policy, or fundamental Government laid, and settled for this Jurisdiction, he or they shall be put to death. Num. 16 : 2. Rom. 32. Sam. 18 : 2. Sam. 20. Or if any person shall consent unto any such mischievous practice, or by the space of four and twenty Houres conceal it, not giving notice thereof to some Magistrate, if there be any Magistrate in the Plantation, or place where he liveth, or if none, to some Deputy for the Jurisdiction, or the Constable of the place, that the public safety may be seasonably provided for, he shall be put to death, or severely punished, as the Court of Magistrates weighing all circumstances shall determine.

If any child or children, above sixteen years old, and of competent understanding, shall curse, or smite. his, her, or their naturall Father or Mother, each such child shall be put to death. Exod. 21 : 17. Levit. 20 : 9. Exod. 21 : 15. unlesse it be proved, that the Parents have been very unchristianly negligent in the education of such child or children, or so provoked them, by extream and cruell correction or usage, that they have been urged or forced thereunto, to preserve themselves from death or maiming.

If any man have a Stubborn Rebellious Son, of sufficient age and understanding, namely, sixteen years old, or upward, which will not obey the voyce of his Father, or the voyce of his Mother, and that when they have chastened him, will not hearken unto them, then shall his Father and his Mother, (being his natural Parents,) lay hold on him,

and bring him to the Magistrates assembled in Court, and testifie unto them, that their Son is Stubborn and Rebellious, and will not obey their voyce and chastisement, but lives in sundry notorious crimes; such a Son shall be put to death. Deut. 21 : 18, 19, 20, 21.

If any man ravish any Maid, or single Woman, who is above the age of ten years, committing Carnall Copulation with her by force, against her own will, he shall be severely and grievously punished, as the Court of Magistrates considering all circumstances shall determine.

CASK AND COOPER.

It is ordered, &c. that all Cask, whether Pipe, Hogsheads, Barrels, quarter Cask, or other sorts used in trade, whether for any Liquor, Fish, Pork, Beef, or other commodity put to sale, shall be of London assize. And that in each plantation within this Jurisdiction, where Cask is made or used for trade, the Plantation Court, or the Constable, with the present or last Deputies for the Generall Court, where there is no Plantation Court, shall from time to time appoint some fit person, or persons to view, and gage all such Vessel or Cask; and such as shall be found of due assize, and made of sound and well seasoned stuffe, (and none but such shall be marked with the gagers mark,) who shall have for his pains, eight pence for every Tun, and proportionably for what he so maketh. And every Cooper shall have, and set a distinct brand, mark of his own, upon each Cask, upon of forfeiting after the rate of twenty shillings a Tun, for what he sells, either without the gagers mark, or not marked with own constant brand mark.

CATTELL, CORN, FIELDS, FENCES.

To prevent or remedy much inconvenience, and many differences, which may grow about Fencing, Planting, Sowing, feeding, and improving of common fields, inclosed for

corn or other necessary use, it is ordered, that every person interested in any such field, shall from time to time, make and keep his part of the Fence, sufficiently strong, and in constant repaire, according to all orders in force in such plantation, to secure the Corn, and other fruits thereon. And shall not put, cause, or permit any Cattel to be put in, so long as any Corn or other fruit, shall be growing, or remain upon any part of the Land so inclosed. Unlesse by some generall expresse agreement of such as are interested. And if at any time the owners or occupiers of any such inclosed Land, cannot, or doe not agree, in any part of the premises, it is ordered, that upon due and seasonable notice given to the Select Men, or Townsmen, appointed for prudential affaires, proper to their care and trust, by any concerned, and unsatisfied, they shall appoint a convenient time to hear and order such differences, and settle a due way of fencing, improving, and preserving such fields, and the fruits of them. And whosoever shall oppose or transgresse, shall be liable to all damages proved to grow thereby, and to such further fine, for breach of order, as the Plantation Court, or authority there settled for such purposes, shall Judge meet. But in any plantation, where there are no such select, or Townsmen, the Freemen from among themselves, shall yearly choose a convenient number to order such occasions, that peace, righteousness may be the better preserved therein. And these select, or Townsmen, shall from year to year, appoint one, two, or more, of the Planters, for all or each Commonfield, belonging to the plantation where they dwell, to view the Common Fences within their trust, and to take due notice of the reall defects and insufficiency thereof, and shall forthwith acquaint the owners with the same. And if the said owners or occupiers, do not at furtherest, within six working days, or sooner, if the said Select men see cause, and so appoint, sufficiently repair, or cause the same to be repaired, he or they shall forthwith upon the demand of the appointed viewer or viewers,

(beside other Just damages,) pay as a fine to the plantation, twelve pence for every rod, (if there be a considerable quantity of such defective fence together,) or for every single defect, in such faulty fence, or the said viewer or viewers, taking due witnesse of the defects, may if it suite their conveniency, forthwith repaire or renew them, or cause them to be repaired or renewed, and shall have double recompence for the same, to be paid, (beside the Just damages,) by the owner or occupiers of the said insufficient fence, or fences. And in either case, if payment be denyed or delayed, such viewer or viewers, shall have Warrant from the said Select Men, directed to the Marshall or Constable, to levy the same forthwith, upon the estate of the Delinquent.

And where Lands lye in Common, unfenced, if one man shall improve his land by fencing in severall, and others, one, or more shall not, he who shall so improve, shall secure his land from other men's Cattel, (unruly Cattel excepted,) who shall compell no man to make any fence with them, except he also improve in severall, and when one man shall improve before his neighbour, and so make the whole fence, if his said neighbour shall after improve, he shall them satisfie, for half the other's fence against him, according to the present value, and shall maintain the same. And if the said first man shall after lay open his said field or land, then the said neighbour, shall both enjoy his said half Fence so purchased; and shall have liberty to buy the other half Fence against his land; paying according to the present worth, as it shall be rated by two men indifferently chosen. And the like order shall be, when any Man shall improve land, against or adjoining to a Town Common: Provided, this extend not to house lots, in which, if one shall improve, his neighbour or neighbours, shall be compellable to make and maintaine one half of the Fence between them, whethor he or they improve, or not, provided also, that no man shall be liable to damage done in any ground, not sufficiently fenced, and himself not interested in the defective fence,

or some part of it, except the damage were done by prohibited or unruly Cattel of any sort, (in which are swine included,) which cannot be restrained by ordinary fences, or where any shall unwarrantably put in Cattel, of what sort, or under what colour or pretence soever, or otherwise willfully trespasse upon his neighbours ground.

It is further ordered, that whatsoever Swine or greater Cattel, (Horses excepted, which are particularly mentioned hereafter,) shall be found in the Woods or Commons unmarked, are liable to poundage, and being either Pounded, or otherwise prosecuted and proved, the owner shall pay for each Swine unmarked, three shillings and four pence, of which half the fines to the pounder, or prosecutor, and the rest to the Plantation. And for each of the greater sort of Cattel, six shillings, whereof half shall be ordered to the pounder, or prosecutor, and the rest to the Plantation; but if the owners be not known or found, then every such swine or beast of a greater kind, to be duly cryed, that the owner may take notice, claim his interest, and pay the fine and charges; but if yet no owner be found, then after due apprisement by indifferent men, chosen by authority, in the place, and the same recorded by the secretary, sale to be so far made, that the fine and charges may be fully paid, and the remainder kept by the Treasurer, till the owner be known; and the rest of such Swine or Cattel, being first marked with a publick Town mark or brand, with some distinction from the mark of particular men, to be again turned into the Woods.

Lastly, it is ordered, that no owner of Cattel, of what kind soever, after knowledge or notice given, that any Cattel of his, whether Horse, other beast, or Swine, is unruly in respect to fences, shall suffer any such to goe at liberty, either in Common, or against Cornfields, or other improved inclosed grounds fenced as aforesaid, but shall constantly keep them upon his own ground, within sufficient fences, all his own, or put and keep upon each of them, such

shackles and fetters, or yokes and rings, as may sufficiently from time to time, restrain and prevent tresspasse, or shall pay all damages and charges, whether in corne, or other fields, with hurt in fences, expences of time, and help in catching, pounding, driving out, and bringing home, any such unruly Cattel, of what kind soever, with such further fine for breach of order, and Court charges, if the Plaintiff be put to recover it, that, as the Court shall Judge meet.

CHARGES PUBLICK.

That publick charges may be defrayed in a ready and just way, it is ordered by this Court, and the authority thereof, that in each plantation within this Jurisdiction, the Select or Towns Men, or some others thereunto deputed, doe yearly, the first week of the third month, called May, require, procure, and make a full and Just List of all the male persons within their limits, from sixteen years old and upwards; and a true estimation of all personall and reall Estate, being, or reputed to be, the estate of all, and every the persons belonging to the Plantation, or in their present possession, viz. of Houses, Lands of all sorts, Meadow and up land, as well unbroken up as other, (except such as doth and shall lye common, for free feed of cattle, at all times to the use of the inhabitants in generall,) mills, ships, and all small Vessels, merchantable goods, cranes, wharfs, and all sorts of cattel and other estate, (household stuff, and goods of that kind, provided and kept for that use, and not for trade, onely excepted,) whether at sea or on shoar, with a due consideration and estimate of the advantage men may have by their severall and respective arts or trades, which Lists, and particular account of males and Estates, in reference to Rates, shall by the Deputies chosen by each plantation, and sent to assist at the generall Court, be presented yearly when they sit, in the latter end of May, under such penalty for default, as the Court, considering the hindrance in the Jurisdiction af-

fares, shall see cause to inflict—all which persons and Estates, are to be assessed and rated, by such as are thereunto appointed, for one single rate, as followeth, viz. every male person, above sixteen years of age, (except Magistrates and Elders of Churches,) at twenty pence by the head, and all Estates both reall and personall, at one penny for every twenty shillings. And that Houses, (wherein there is much difference) may be the more equally rated, according to their worth, it is ordered, that the Deputies from the severall plantations within this Jurisdiction now assembled at this Generall Court, doe before their return, rate two Houses in New Haven, which shall be as patterns for the other plantations to rate by. That all Lands, whether Meadow or upland, and whether the upland be better or worse, broken up or not, (except it lye common as before,) be rated at twenty shillings an acre, and for that a considerable part of mens Estates in these parts, lyeth in Cattel, to avoyd many questions which may grow about their age, it is ordered, that all sorts of Cattel, from year to year, though any of them should not be a year old till the last of July, yet in reference to rates, be accounted and pay as if they were a year old the first of May. And in like manner for two years old, or elder; and in lieu thereof, Cattel though near 3 quarters of a year old the first of May, shall not be Rated; and Cattel of a year and almost three quarters, shall be rated at a year old, and so upward. And it is further ordered, that till this Court find some considerable alteration in prises, every Cow of four year old, (the age recorded as before) or upward, shall be rated at five pound, every Heifer or Steer, three year old, reckoned as before, at four pounds; and betwixt two and three years old, at fifty shillings; and of one year old, thirty shillings. Every Ox and Bull of four year old, or upward, at six pounds; every Horse of three year old, (after the former account) or more, shall be valued at ten pounds; every Mare of three year old or upward, at twelve

pounds; those of two year old or upward, according to the former account, whether Horse or Mares, each of them at five pounds ten shillings; and those of three quarters of a year old, or above, till they come to a year and three quarters, shall be Rated at three pounds and ten shillings; every yew sheep, of a year old or above, at thirty shillings; every weather Sheep, or Ram, of a year old or above, at sixteen shillings; every Goat, of a year old or above, at eight shillings; every Swine, of a year old or above, at twenty shillings; every Asse, of a year old or above, at forty shillings. And all Hey and Corn, in the Husbandmans hands, is hereby exempted from Rates, because all meadow, arrable Land and Cattel, are Rateable as aforesaid. And for all such persons, as by the advantage of their Arts and Trades, are men enabled to bear publick charges, then common Labourers and Workmen, as Butchers, Bakers, Victuallers, Smiths, Carpenters, Taylors, Shoemakers, Joyners, Barbers, Millers, Masons, with other artists, such are to be Rated for their returns and gaines in proportion to other men for the produce of their estates. Provided, that in the Rate by the Poll, such persons as are disabled by sicknesse, lamenesse, or other infirmity, shall be so long exempted. And for such servants and children as take not wages, their parents and Masters shall pay for them; but such as take wages shall pay for themselves. And it is ordered, that all Rates assessed by this Court, be duly paid in to the Jurisdiction Treasurer, at such time or times, in such pay, and at such prises, as this Court shall appoint, and under such penalties for default, as shall from time to time be ordered. And power is hereby given and granted to each plantation within this Jurisdiction, to gather all Rates from time to time, from the severall inhabitants, as they grow due; and for want or delay of payment in an orderly way, to distreyn within their own limits, to prevent further inconveniences. But that the Jurisdiction suffer not by the neglect or delay of any

plantation or plantations herein, it is further ordered, that at any time hereafter, upon the complaint of the Jurisdiction Treasurer, any Magistrate may send the Marshall alone, or with others to distreyn the Cattel, Corn, or any other goods belonging to any of the inhabitants within such plantation, as shall be defective in the payment of Rates due, for the whole sum behind and unpaid, with addition of all penalties incured, and due charges for the Marshall, and others imployed in seizing and bringing away such distresse, every inhabitant in such case, having liberty to require and recover his damage from the plantation or officers there intrusted for civil affaires, according to justice. Provided, that if any person now, or hereafter, having taken up a Lot or Lots in any plantation, be removed, or shall withdraw himself and his moveable Estate, or any considerable part of it, still keeping such Lot or Lots, in his own possession, or power, without due improvement, by which means the Plantation wants his personal service, besides other inconveniences, it is hereby ordered, that in such case, every such person shall in all respects pay his Rates by Lands only, as was ordered, and done before Rating by heads, and estates, but in a due proportion to a whole Rate, as then it was. And if the plantation find no other means to recover the said Rates, they may distreyn Houses or Lands, or both, upon a true account, that what advantage they shall make, by selling or letting the same, or any part thereof over and above what is due for the said Rates, with just damages and necessary charges, shall be returned to the owner, if he demand the same, within three years.

CHILDRENS EDUCATION.

Whereas too many Parents and Masters, either through or over tender respect to their own occasions and businesse, or not duly considering the good of their children and apprentices, have too much neglected duty in their Education,

while they are young, and capable of learning, it is ordered, that the Deputies for the particular Court in each Plantation within this Jurisdiction for the time being; or where there are no such Deputies, the constable or other officer, or officers in publick trust, shall from time to time, have a vigilant Eye over their brethren and neighbors, within the limits of the plantation, that all parents and masters doe duly endeavor, either by their own ability and labour, or by improving such schoolmaster, or other helps and means, as the plantation doth afford, or the family may conveniently provide, that all their children and apprentices, as they grow capable, may, through Gods blessing, attain at least so much as to be able duly to read the scriptures, and other good and profitable printed Books in the English tongue, being their native language, and in some competent measure, to understand the main grounds and principles of Christian Religion, necessary to Salvation, and to give a due answer to such plain and ordinary questions as may by the said Deputies, Officers or others, be propounded concerning the same. And where such Deputies or Officers, whether by information or examination, shall find any parent or master, one or more, negligent, he or they shall first give warning, and if thereupon due reformation follow, if the said Parents or masters shall thenceforth seriously and constantly apply themselves to their duty in manner before expressed, the former neglect may be passed by. But if not, then the said Deputies, or other officer or officers, shall three months after such warning, present each such negligent person or persons, to the next plantation Court, where every such delinquent upon proof, shall be fined ten shillings to the plantation, to be levied as other fines. And if in any Plantation, there be no such court kept for the present, in such case, the constable, or other officer or officers, warning such person or persons, before the Freemen, or so many of them as upon notice shall meet together, and proving the neglect

after warning, shall have power to levy the fine as aforesaid. But if in three months after that, there be no due care taken and continued for the education of such children or Apprentices as aforesaid, the delinquent, (without any further warning,) shall be proceeded against as before, but the fine doubled. And lastly, if after the said warning and fines paid or levied, the said Deputies, officer or officers, shall still find a continuance of the former negligence, if it be not obstinacy, so that such children or servants may be in danger to grow barbarous, rude and stubborn, through ignorance, they shall give due and seasonable notice, that every such Parent and Master be summoned to the next Court of Magistrates, who are to proceed as they find cause, either to a greater fine, taking security for due conformity to the scope and intent of this Law, or may take such children or apprentices from such Parents or Masters, and place them for years, Boyes till they come to the age of one and twenty, and Girls till they come to the age of eighteen years, with such others who shall better Educate and govern them, both for the conveniency, and for the particular good of the said Children or Apprentices.

CONVEYANCES FRAUDULENT.

To prevent or avoyd the mischievous inconveniences which may grow by fraudulent conveyances, and that every man may the better know what estate or interest other men may have in any Houses, Lands, or other Hereditaments, which he purposeth to deale in, it is ordered, that no Mortgage, Bargaine, Sale, Grant or conveyance, made of any House or Houses, Lands, Rents, or other Hereditaments, within this Jurisdiction, where the Granter remaines in possession, shall be hereafter in force against any other person or persons, then the Granter and his heirs, unlesse the same be acknowledged before some Court or Magistrate, within this Jurisdiction, and Recorded as hereafter expressed. And

no such Grant, bargain or sale already made in way of Mortgage &c, when the Granter remains in possession, shall be in force against any other but the Granter and his heirs,* except the same shall be entered, (as here expressed) within one month after the first publishing of this order, if the party concerned be within this Jurisdiction, or else within three months after he shall return. And if any such Granter be required of the Grantee, his heirs or assigns to make an acknowledgment accordingly, of any grant, sale, bargain or mortgage, by him made, and shall refuse so to doe, it shall be in the power of any Court or Magistrate, to send for the party so refusing, and upon evidence of his injuriousness therein to commit him to prison,† without Baile or mainprize, untill he shall acknowledge the same. And the Granter in such case is to enter his caution with the secretary, or other officer appointed to Record such Deeds, and this shall serve his interest in the mean time. But if it be doubtfull whether it be the deed or grant of the party, he shall be bound with sureties to the next Court of Magistrates, and the caution shall remain good as aforesaid. Lastly, it is ordered, that in each plantation, either the secretary, or some other officer, be appointed, duly to enter and Record, in a Book kept for that purpose, all and every such grants, sale, bargains, mortgages of Houses, Lands, Rents, and other Hereditaments, as aforesaid, with all and every such caution, together with the name of the Granter and Grantee, thing and Estate granted, with the date thereof; the Grantee paying sixpence to the Secretary or officer, for each such entry or Record.

COOPER, SEE CASKE,

Courts for Strangers.

For the ease and conveniency of strangers, who sometimes cannot stay to attend the ordinary courts of Justice, it is

* Gen. 23: 16, 17, 18.—Jer. 32: 10, 11,

† 1 Thess. 4: 6.

ordered, that the Governor, Deputy Governor, or any Magistrate within this Jurisdiction, may call a special court, and that in such cases, any three Magistrates, calling in such of the Deputies for the Plantation Court, as may be had, shall have power to hear and determine all causes civil and criminal, (triable in plantation courts, when two Magistrates are called in) which shall arise betwixt such strangers; or where any such stranger or strangers, shall be a party, whether plaintiff or Defendant, the secretary of the place (as in other ordinary trialls) duly Recording the proceedings, all which shall be at the charge of the party, or parties, as the Court shall determine; so that neither the Jurisdiction nor plantation be charged by such courts.

CURSING, SEE PROFANE SWEARING.

Damages pretended, and Vexatious Suites.

It is ordered, &c, that if any person or persons in any suit, shall falsely pretend great damages or debts, to discredit, trouble, or vex his, her, or their adversary, the Court upon discovery and proof, shall have power to set a reasonable fine upon the head of any such offender; and that in all cases, when it appears to the Court, that the plaintiff hath willingly and wittingly done wrong to the Defendant, in commencing and prosecuting any action, suit, complaint, or other indictment, in his own name, or in the name of others, he shall beside just damages to the party wronged be fined forty shillings, or any lesse sum to the Jurisdiction or Plantation Treasury, as the case may require.

DISTRESSE.

It is ordered, &c, that no Men's Corn or Hey, that is in the field, or upon the Cart, nor his Garden Stuff, nor any thing subject to present decay, shall be taken in distresse, or by way of Attachment, unless it be first duly prized, by order of some Magistrate or other officer; and that he that

takes it, first put in due security to satisfie the worth of it, if it come to any harm, with other damages, according to the course of Justice.

DISTURBERS OF THE PUBLICK PEACE.

It is ordered, &c, that whosoever shall disturb or undermine the peace of this Jurisdiction or any of the plantations, Churches, Families, or persons within the same, whether by conspiring or plotting with others, or by his own tumultuous and offensive carriage, traducing, reproaching, quarrelling, challenging, assaulting, battery, or in any other way, tending to publick disturbance, in what place soever it be done, or shall defame any court of Justice, or any of the Magistrates, or other Judges of any such Court within this Jurisdiction, in respect of any act, or sentence therein passed; every such offender, upon due proof made, either in the Generall Court, Court of Magistrates, or particular court (if the tryall and issuing of the case exceed not their limits) shall be punished by fine, imprisonment, binding to the peace, or good behaviour, disfranchisement or banishment, according to the quallity of the offence, or disturbance.*

DIVORCE, OR MARRIAGE DECLARED A NULLITY.

Desertion, &c.

It is ordered, &c, that if any married person, proved an Adulterer, or an Adulteresse, shall by flight or otherwise, so withdraw or keep out of the Jurisdiction, that the course of Justice, (according to the mind and Law of God here established) cannot proceed to due execution, upon complaint, proof, and prosecution, made by the party concerned and interested, a separation or divorce, shall by sentence of the Court of Magistrates be granted, and the published, and the innocent party, shall in such case have liberty to marry again.—*Mat. 19: 9.*

* Numb. 16: against the sixth commandment, Ex. 22: 28.

And if any Man Marrying a Woman fit to bear children, or needing and requiring conjugall duty, and due benevolence from her husband, it be found (after convenient forbearance and due tryall) and satisfyingly proved, that the husband, neither at the time of Marriage, nor since, hath been, is, nor by the use of any lawfull means, is like to be able to perform or afford the same, upon the wives due prosecution, every such marriage shall by the court of Magistrates, be declared voyd, and a nulley, the woman freed from all conjugall relation to that man and shall have liberty in due season, if shee see cause, to marry another; but if in any such case, deceit be charged and proved, that the man before marriage, knew himself unfit for that relation and duty, and yet proceed, sinfully to abuse an ordinance of God, in so high a measure to wrong the woman, such satisfaction shall be made to the injured woman, out of the Estate of the offender, and such fine paid to the Jurisdiction, as the Court of Magistrates shall Judge meet. But if any husband after marriage, and marriage duty performed, shall by any providence of God be disabled, he falls not under the Law, nor any penalty therein. And it is further declared, that if any husband, shall without consent, just cause shewn, wilfully desert his wife, or the wife her husband, actually and peremptorily refusing all Matrimonial Society, and shall obstinately persist therein, after due means have been used to convince and reclaim, the husband or wife so deserted, may justly seek and expect help and relief, according to, 1 Cor. 7; 15, and the Court, upon satisfying evidence thereof, may not hold the innocent party under bondage.

DOWRYES.

It is Ordered, &c., that every married Woman living with her husband in this Jurisdiction, or other where absent from him, with his consent, or through his meer default, or inevitable providence, or in case of divorce where

she is the innocent party, that shall not before marriage be estated by way of Joynture, (according to agreement,) in some Housing, Lands, Tenements, Hereditaments, or other means for tearm of her life, shall immediately after the death of her husband, have right and interest by way of Dower, in and to one third part of all such Houses, Lands, Tenements, and Hereditaments, as her said husband was seized of to his own use, either in possession, reversion, or remainder, within this Jurisdiction, at any time during the marriage, to have and enjoy for tearm of her naturall life, according to the Estate of such husband, free, and freely discharged, of and from all Titles, Debts, Rents, Charges, Judgements, Executions, and other incumbrances whatsoever, had, made, or suffered by her said husband during the said marriage between them, or by any other person claiming by, from, or under him, otherwise than by any act or consent of such wife, as this Court shall ratifie and allow. And if the heir of the husband, or other person interested, shall not within one month after lawfull demand made, assign, and set out to such widow her Just third part conveniency, or to her satisfaction, according to the intent of this Law, then upon due complaint and prosecution, either before the Court of Magistrates or plantation Court, as the case may require, her Dower or third part, shall be assigned and set forth by such persons as the Court shall appoint, with due costs and damages, provided that this Law shall not extend to any Houses, Lands, Tenements, or other Hereditaments, sold or conveyed away by any husband bona fide, for valuable consideration before this Law was published. And it is further Ordered, that every such wife as before expressed, immediately after the death of her husband, shall have interest in and unto one third part of all such money, Goods and Chattels, of what kind soever, whereof her husband shall dye possessed, (so much as shall be sufficient for the discharge of his Funerall and Just debts being first deducted,) to be allowed and set out to her,

(as before appointed) for her Dower ; provided alwayes, that every such widow endowed as aforesaid, shall from time to time, maintain all such Houses, Fences, Inclosures, with what else shall be for her life assigned to her of such Estate for her Dowry, and shall in all respects leave the same in good and sufficient repaire, neither committing nor suffering any strip or wast.

ECCLESIASTICALL PROVISIONS.

Forasmuch as the word of God, as it is contained in the holy scriptures, is a pure and precious light by God in his free and rich grace given to his people to guide and direct them in safe paths to everlasting peace.* And for that the preaching of the same in a way of due exposition and application, by such as God doth furnish and send, is, through the presence and the power of the holy Ghost, the chief ordinary means appointed of God for conversion, edification, and salvation. It is ordered, that if any Christian (so called) shall within this Jurisdiction, behave himself contemptuously toward the word preached, or any minister thereof, called and faithfully dispensing the same in any congregation, either by interrupting him in his preaching, or falsely charging him with error, to the disparagement and hindrance of the work of Christ in his hands, † every such person or persons, shall be duly punished, either by the Plantation Court, or Court of Magistrates, according to the quality and measure of the offence, that all others may fear to break out into such wickednesse.

And it is further ordered, that whensoever the ministry of the word is established within this Jurisdiction according to the order of the Gospel, every person according to the mind of God, shall duly resort and attend thereunto, upon the Lords dayes at least, and also upon dayes of pub-

* Esay. 49 ; 23. 1 Tim. 2 ; 2.

† Acts 13 ; 10, with Bena his note upon it.

lick Fasting or Thanksgiving, ordered to be kept and observed. And if any person within this Jurisdiction shall without Just and necessary cause, absent or withdraw from the same, he shall after due means of conviction used for every such sinfull miscarriage, forfeit five shillings to the plantation, to be levied as other fines.

It is further ordered, that all the people of God within this Jurisdiction who are not in a Church way, being Orthodox in Judgment, and not scandalous in life, shall have full liberty to gather themselves into a church estate, provided they doe it in a Christian way, with due observation of the rules of Christ revealed in his word; provided also, that this Court doth not, nor hereafter will approve of any such persons as shall Joyn in any pretended way of church fellowship, unlesse they shall first in due season, acquaint both the Magistrates and the Elders of the churches within this colony, where and when they intend to Joyn, and have their approbation therein. Nor shall any person being a member of any church which shall be gathered without such notice given, and approbation had; or who is not a member of some church in New England, approved by the Magistrates and churches of this colony, be admitted to the freedom of this Jurisdiction.

And that the ordinances of Christ may be replaced, and comfortable provision made and continued for a due maintenance of the ministry according to the Rule. 1 Cor. 9; 6 to 12. Gal. 6; 6; it is ordered that when and so oft as there shall be cause, either through the perversenesse or negligence of men, the particular Court in each plantation, or when no Court is held, the Deputies last chosen for the Generall Court with the Constable, or other officer, for preserving the peace, &c., shall call the Inhabitants, whether planters or sojourners, before them, and desire every one particularly to set down what proportion he is willing and able to allow yearly, while God continues his estate towards

the maintenance of the ministry there.* But if any one or more, to the discouragement or hindrance of this work refuse or delay, or set down an unmeet proportion; in any and every such case, the particular Court, or Deputies and Constable as aforesaid, shall Rate and asseesse every such person according to his visible Estate there, with due moderation, and equal in proportion with his neighbours. But if after that, he deny or delay, or tender unsuitable payment, it shall be recovered as other Just debts. And it is further ordered, that if any man remove from the Plantation where he lived, and leave or suffer his land there, or any part of it, to lye unimproved, neither selling it nor freely surrendering it to the Plantation, he shall pay one third part of what he paid before, for his moveable Estate, and Lands also; and in each plantation where ministers maintenance is allowed in a free way without Rating, he shall pay one third part of what other men of the lowest rank, enjoying such accommodations, doe pay. But if any removing, settle near the said plantation, and continue still to improve his Land, or such part of it as seems good to himself, he shall pay two third parts of what he paid before, when he lived in the plantation, both for moveable estate and Land, or two third parts of what others of like accommodation pay.

ESCHEATS.

It is ordered, &c., that where no heire, or owner of Houses, Lands, Tenements, Goods or Chattels, can be found upon the decease of the late Testator or proprietor, A true Inventory of every such estate in all the parts and parcels of it, shall, with the first conveniency, be duly taken, and a Just apprizement made upon oath by fit men thereunto appointed by the Magistrate, or such authority as

* 2 Chron. 31; 4. Neh. 13; 10 to 15.

at the time is in the plantation, when the said Estate is, and the whole estate to be seized to the publick Treasury, till the true Heirs or owners shall make due claime thereto, unto whom the same shall be restored upon Just and reasonable tearms.

FALSIFYING, SEE FORGERY.

FENCES, SEE CATTLE.

FINES, SEE RATES.

Fire.

It is ordered, &c., that whosoever shall kindle any fire in woods or grounds lying in common or inclosed, so as the same shall burn fences, Buildings, or cause any other damage in any season or manner not allowed by the authority in that plantation, or on the last day of the week, or on the Lords day, such persons shall pay all damages, and half so much more for a fine to the plantation, and if not able to pay, shall be corporally punished as the Court shall judge meet. But whosoever shall wittingly and willingly burn, or destroy any farm, or other building, Timber hewed, sawn or riven, heaps of Wood, Charcoal, Corn, Hey, Straw, Hemp, Flax, or other goods, he shall pay double or treble damages, as the Court shall Judge meet; or if not able to make such restitution, he shall be either sold for a servant till by his labour he may doe it, or be severely punished as the case may require.

FORGERY, OR FALSIFYING.

It is ordered, &c. that if any person shall Forge or falsifie any Deed or conveyance, testament, Bond, Bill, Release, Acquittance, Letter of Attorney, or any writing to prevent Equity and Justice, he shall stand on the Pillory three severall Lecture days, or other dayes of most publick Resort, as the plantation Court, or Court of Magistrates, (according to the value of the cause,) shall appoint, and shall ren-

der double damages to the party wronged; and further, he shall be disabled to give any evidence to any Court, or magistrate in this Jurisdiction, till upon his repentance, satisfyingly manifested to the Court of Magistrates, he be by sentence released.*

FORNICATION.

It is ordered, &c. that if any man shall commit Fornication with any single Woman, they shall be punished, either by enjoining marriage, or fine, or Corporall punishment, any, or all these, as the Court of Magistrates, or plantation Court, duely considering the case with the circumstances, shall Judge most agreeable to the word of God.†

FRAUDULENT CONVEYANCES, SEE CONVEYANCES.

Gaming.

To prevent much inconvenience which may grow by gaming, it is ordered, that no person, who either as an Inkeeper, or seller of strong Liquors, wine or Beer, entertaines strangers or others, to lodge, or eat, or drink, shall permit or suffer any to use the game of shuffleboard, or any other gaming within his house, or limits, under the penalty of twenty shillings for every time so offending. And whatever person or persons, shall so play or game, in any such house, or place, or in any other Gaming house, where there is a common resort to such play, or gaming, shall forfeit for every such offence five shillings. And whosoever shall so play, or game, for money, or money-worth, shall further forfeit double the value thereof, one half to the informer, and the rest to the plantation, within the limits whereof he so played or gamed.

* It is also a testimony against the ninth commandment.

† Deut. 22; 28, 29. Exod. 22 : 16, 17.

HERESIE.

Although no creature be Lord, or have power over the faith and conciencies of men, nor may constrayn them to believe, or professe, against their consciencies, yet to re-strayn, or provide against such as may bring in dangerous Errors or heresies, tending to corrupt and destroy the soules of men, it is ordered, &c., that if any Christian, within this Jurisdiction, shall go about to subvert or destroy the Christian faith, or Religion, by broaching, publishing, or maintaining any dangerous errour, or herisie, or shall endeavour to draw, or seduce others thereunto, every such person, so offending, and continuing obstinate therein, after due means of conviction, shall be fined, banished, or otherwise severely punished, as the Court of Magistrates, duly considering the offence, with the aggravating circumstances, and danger like to ensue, shall Judge meet.*

HORSES.

Whereas many questions, and sometimes troublesome suits grow betwixt men, about Horses running together in the Woods unmarked, it is ordered, that each plantation in the Jurisdiction, shall have a Marking Iron, or flesh-brand, for themselves in particular, to distinguish the Horses of one plantation from another; namely, New Haven, an Iron made to set on the impression of an H. as a brand-mark, Milford an MF, Guilford a G, Stamford an S, Southold an S, with an OS in the middle of it, Brainford a B, which plantation brand-mark, is to be visibly and as sufficiently as may be, set upon the near buttock of each Horse, Mare, and Colt, belonging to that plantation. Beside which, every owner is to have, and mark his Horse or Horses with his own particular flesh brand, having some Letter or Let-

* 2 Cor. Jam. 4: 12, 2. 2 Pet. 2: 1, 2, with Deut. 13; 5. Zach. 13; 3, 6.

ters of his name, or such distinguishing mark, that one Man's Horses may be known from an others. And that in each plantation, there be an officer appointed, to record each particular man's mark, and to see each particular man's horse, mare, and colt, branded, and take notice, and to record the age of each of them, as near as he can, with the colour, and all observable marks, whether natural or artificiall; and what artificiall marks it had before the branding, whether on the Ear, or elsewhere, with the year and day of the month when branded. And in each plantation, the officer for his care and pains, to have sixpence of the owner, for each Horse, Mare or Colt so branded and Recorded. And that after the publishing hereof, every one who hath any horse or horses, of what age or kind soever, doe duly attend this order, at his perill; the officer also is to require as satisfying evidence of his right, who presents any such Horse, &c., as may be had, or to record any defect of due eivdence, that a way may be open to other claimers.

IMPOST UPON WINES AND STRONG LIQUORS.

For the better support of the Government of this Jurisdiction, &c. that every person, merchant, seaman or other, who shall bring any Wine into any Harbour, or place within this Colony, (except it come directly from England, or out of some other Harbour within this Jurisdiction, where they have already paid custome, and that certified by the officer who received it, before he or they land or dispose any of it, more or lesse) shall first make entry of so many Buts, Pipes, or other Vessels, as he, they, or any of them shall put, take on shore, or any way dispose, by a notice in writing, delivered to the Jurisdiction Treasurer, at his house, or to some other officer, appointed by each plantation, who is to be upon his oath for the said service, under the penalty of forfeiture, confiscation of all such

Wines as contrary to this order, are or shall be landed or sold before such entry made, wheresoever found, or some lesse penalty, as the Court shall Judge meet. Upon proof that the errour was committed throu ignorance, and the first buyer under the same penalty, shall see the same be done, the one half to the Jurisdiction, and the other half to him that informs and prosecutes in the case. And the merchant, or owner of such Wines of any kind, as soon as he imports, lands and sells them, or any of them, shall deliver and pay to the said Treasurer, or officer, for every But or Pippe of Fiall wines, or any other wines of those Islands, five shillings; for every Pipe of Madary wines, six shillings and eight pence; for every But or Pipe of Shevris, Sack, Maliga or Canary wines, ten shillings; for Bastards Tents and Alligants, ten shillings. And proportionably for greater or lesser Vessels of each kind; and for every Hogshead of French wines, two shillings and sixpence, and proportionably for quarter or lesser vessels. And upon proof that any the forementioned wines, have been imported or landed, without such entry and payment, if neither the seller nor wine can be found, then double the value of the said customes, by this order due to the Jurisdiction, are to be recovered by way of action, as other debts, of the first buyer of said Wines, if it will not be paid otherwise.

And it is further ordered, that whosoever shall bring any strong liquor, of what kind soever, into any Harbour, or other part of this Colony, (unlesse directly out of England, or out of some other port of this Jurisdiction, where custome hath been paid, and certified, as in the case of wines) before he or they land or dispose of any of it, more or lesse, shall first make a true and full entry, of the quantity he shall so import, or cause to be imported or landed, by a note in writing, delivered to the Jurisdiction Treasurer, at his House; or to some other officer, as in the case of wines, under the like penalty of forfeiture, with mitigation if the case require it, as there, one half to the Juris-

diction, the other half to him that informs and prosecutes. And the owner, or importer, of any such strong Liquor, as soon as he lands, imports and sells it, or any part of it, shall deliver and pay to the said Treasurer or officer, for every Anchor containing ten gallons, six shillings and eight pence, and so for greater or lesser quantities, namely, after the rate of eight pence a gallon. And the first buyer, shall, under the same penalty, see that such entry and payment be duly made. And that whosoever within this Colony, shall at any time for sale or merchandize, distill any sort of strong Liquor, he or shee, shall, within eight days after the same is distilled, and so ready for use, or sale, give in a like true note in writing, of the full quantity so distilled, to the Treasurer, or other officer, under the like penalty, and shall, within three months after, duly pay, or cause to be paid to the said Treasurer, or officer, after the rate of eight pence a Gallon, for the full quantity so distilled; and upon proof that any such strong Liquor hath been distilled and sold without such entry and payment, the value thereof shall be forfeited to the Jurisdiction, unlesse cause of mitigation appear, as in the wines. And that no person at any time retails any sort of strong Liquor, within this Jurisdiction, without expresse license from the authority of the plantation, within the limits whereof he so sells, where the selling of lesse than three Gallons at a time, is to be accounted retail, and that due moderation be attended in prizes when it is retailed. But that any of any sort, be at any time sold above three shillings and six pence a wine quart. Lastly, it is ordered, if any distilling any such strong Liquor, within this Colony, shall by way of trade or Merchandize, after he hath paid such custome, ship and send forth, out of this Jurisdiction, any quantity of the same, he shall, for so much, have the said custome repayed, by the Treasurer, or officer who received it.

IMPRISONMENT.

It is ordered that no mans person shall be imprisoned either for fine or debt, to the Jurisdiction or plantation, or particular person, if any competent means of satisfaction from his estate, doe otherwise appear; but if no such estate be known, nor can be presently found, or if contempt and other proud and offensive behaviour against the Court or any authority here settled, be mingled with his cause, he may be imprisoned, and kept in prison at his own charge, if he be able, till satisfaction be made, or till the Court which committed him, or some Superior Court, see cause to release him. Provided, nevertheless, that no mans person shall be kept in prison for debt at the will of the creditor, but when there appears some estate which he will not produce, in which case any Court or Commissioners authorized by the General Court, may administer an oath to the party, or any others suspected to be employed, or privy to the conveying away or concealing of such Estate, or some of it; but if any such person or persons, in such case being so required, shall refuse to discover the truth by oath, he shall be liable to such fine as the Court duly weighing the case, shall Judge meet; but if no Estate can be found to pay or satisfie such Just debt or debts, every such debtor shall satisfie by service, if the creditor or creditors require it, for such time as the Court considering the debt, shall with due moderation judge meet; but shall not be sold to any out of the United English Colonies. If the debt grow by any ordinary way of borrowing, contracted, or other engagement, and not by sinfull and heynous miscarriages which disturb the public peace, which the Court to whose cognizance such cases are proper, will duly weigh and consider. Ezra 7; 26.

INCEST.

It is ordered, &c., that if any persons shall commit In-

cest, which is, when being near of kin, within the degrees by God forbidden, they wickedly defile themselves one with another, they shall be put to death. Levit. 20; 11, 12, 14, 17, 19, 20, 21.

INDIANS.

It is ordered, &c., that no plantation, Inhabitant, or Sojourner within this Jurisdiction, shall directly or indirectly, for himself, or any other, purchase or truck any plantation or Land, upland or meadow, more or lesse of any Indian or Indians, or others from them, either upon the maine between Connecticut River and Hudsons River, or upon Long Island, nor shall receive any land by way of gift, or upon any other tearms for his or their, or any, either publick or private use or advantage, or as agent for others who may pretend to begin a plantation without express licence, either from the Court of Magistrates for this Jurisdiction, or at least from some one of the plantation Courts, where there is a Magistrate and Deputies. And in the latter case, the land to lye so as neither in point of title nor convenience may concern any other plantation, but onely the plantation so licencing, under the penalty of losing and forfeiting all the Right and title purchased or obtained in any such land, with such further punishment for contempt as the Court shall judge meet. And if any person or persons, within this Jurisdiction, by what way or means soever be already justly possessed or interested of, or in any Land within the limits before mentioned, he or they shall neither directly nor indirectly by gift, sale, nor upon any other consideration or respect, alienate or return the right he or they have in the same, or any part of it, to the Indians, or any of them, without Licence from this Court; and if any plantation within this Jurisdiction shall hereafter purchase, or upon any tearms receive or obtain title or Right to any Land from the Indians, or others from them, which may

concerne or convenient to another plantation within this Jurisdiction also ; and so there grow any question or difference either in reference to the land or this order, it shall be heard and determined by this Court, that peace may be continued, and the conveniency of each plantation provided for.

And the better to suppress or restraine the inconveniences or mischiefs which may grow by a general and unlimited furnishing of the Indians with guns, powder, shot, or any other weapons or instruments proper or usefull in or for war, it is ordered that whosoever of, or within this Jurisdiction, or any part thereof, shall directly or indirectly, by himself or any other, sel, barter, give, lend, lose, or by any means or device whatsoever, furnish any Indian or Indians, or any of them, with any guns, small or great, by what name soever called, or with any powder, shot, lead, or shot mould, or with any stocks or locks for guns, or swords, Rapiers, Daggers, or blades for any such, or pikes or pike heads, halberts, arrow heads, or any other provision or furniture for war, of what kind soever, whether fully finished or not ; or what smith, or other person within or belonging to this Jurisdiction, shall mend any gun, stock, or anything belonging to it, or procure it to be done, or any the forementioned or other weapons or instruments proper or used for war, without expresse written licence from this Generall Court, or some one or more Deputed by them to give such licence, with directions upon what tearms, and in what manner, such a trade with a due respect to all the premises shall be managed, shall forfeit and pay to the Jurisdiction, twenty times the value of what shall be sold, bartered, or any way alienated, mended, or upon any contrivement or device, done contrary to the tenour and true meaning of this order, or any part of it, whereof one 4th part goeth to the informer, and the rest to the Jurisdiction.

And to the same purpose and end, it is further ordered, that whosoever shall either directly or indirectly, sel, bar-

ter, or cause to be sold, &c., any guns, powder, shot, lead, or any of the forementioned instruments or provisions for war, to any person or persons inhabiting out of this Jurisdiction, without licence from two Magistrates of this Jurisdiction under their hands, or where there is but one Magistrate under his hand, and the hands of two Deputies for the plantation Court, shall, as a fine for his breach of order and contempt, pay five times the value of what shall be so sold, bartered, &c.

And it is further ordered, that the Magistrate or Magistrates, who at any time give any such licence under their hands, shall keep a true account in writing of all the particulars and quantities he or they so licence, to whom and upon what grounds, that upon any question this Court may receive satisfaction therein; and that every such licence be limited as to the particular things and quantities; so that to the time that if the same or any part thereof be not within the limited time sould and delivered, the licence for the whole or such part to be altogether void, and each sale or delivery after without a new licence, to be adjudged a breach of this Order.

And the better to prevent controversies and disturbance betwixt the English and Indians in Jurisdiction; it is ordered that whosoever shal upon any occasion, trust or take power or pledge of any Indian for the securing of payment of any thing sold or lent, he shall neither after take any thing from him or them by force, for, or towards satisfaction, nor dispose of any pawn or pledge so received, though the time set for redeeming it be enquired, without either consent of the Indian, or licence from the Court, or from the authority settled in the plantation where he lives.

Indians, see further into the title of Inn Keepers.

TIPLING AND DRUNKNESS.

Indictments.

If any person shall be indicted of, or legally charged

with any capitall crime, (who is not then in durance,) and shall withdraw, or refuse to render his person to some Magistrate or Officer for this Jurisdiction, within one month after the proclamations publickly made in the town or plantation where he did formerly usually abide, there being a full month betwixt procklamation and proclamation; his lands and goods shall be seized to the use of the Jurisdiction, (and ordered with due respect to his family, as the Court of Magistrates shall judge meet,) till he make his lawfull appearance. And such withdrawing of himself shall stand in stead of one witnesse to prove the crime charged, unlesse he can make it appear to the Court that he was necessarily hindered.

Inkeepers, Tipling, Drunkness.—Ezra 7 : 26.

It is ordered, &c., that no person or persons, shall at any time hereafter, under any pretence or colour whatsoever, undertake or become a common Victualler, keeper of a Cookes Shop or house for common entertainment, tavern, or publick seller of Wine, Ale, Strong Beer, or Strong Liquor by retaile, within this Jurisdiction, nor shall any either directly or indirectly, sell any sort of Wine privately in his house, cellar, &c., or out of doores, by a lesse quantity, or under three Gallons at a time, without approbation and licence of the plantation court to which he belongeth; and where there is no such Court without the licence of the Constable and major part of the freemen, under the penalty of five pounds, to be paid to the plantation for the first miscarriage complained of, and proved; and ten pounds for the second miscarriage so proved; and where payment cannot or will not be made, imprisonment during the Courts pleasure, for the first offence; and for the second offence, such further punishment as the Court shall order. And that no person so licenced, shall sell any Beer or Ale above three pence an Ale quart, under the penalty of three shillings and four pence for such miscarriage proved the first

time, and six shillings and eight pence the second time. But it is allowed and ordered, that any man that will, may sell Beere or Ale out of doores, at a penny a quart, or cheeper.

It is further ordered, that whosoever licenced as before, selleth any sort of wine by retaile, that is, by any lesse quantity than three gallons at a time, he shall pay the Jurisdiction Treasurer over and above the custome before mentioned, after the rate of forty shillings for every But or Pipe so retailed; and every one that selleth by retale, shall give a true account and notice to the said Treasurer, or to some other officer appointed for that purpose in each plantation, of the true or full quantity which he either buyeth or receiveth into his custody, and that within one week after he is so possessed of it, upon pain of forfeiting the same, or the value thereof; and shall further every six months truly account with the Jurisdiction's Treasurer, or other officer as aforesaid, for what he hath sold by retale as aforesaid, and discharge the same, having due allowance for what he hath sold by greater parcels than by his order is accounted retale; and in case of delay or neglect of payment after demand, the Treasurer or Officer shall recover it by action as other debts, provided that if any person shall give in a false account to defraud the Jurisdiction upon due proof, he shall pay double the value of what he would so have kept back.

And it is further ordered, that every person licenced to draw and sell Strong Beer, Ale, Wine, or Strong Liquor, do see and take care that good order, and all Rules of Sobriety be duly attended in his course and house, and about the same; and that he neither see, nor suffer any to be drunken, or to drink excessively, or to continue tipling above the space of an hour, or at unreasonable times; or after nine of the clock at night, without weighty cause, nor that any children or servants without the consent of Parents or Governors, be permitted to sit or stay there drinking, or

unnecessarily to spend their time there, especially at late or unseasonable hours, but that he duly complain to authority, that all such disorders may be seasonably suppressed, under the penalty of 5 shillings for the first offence, with such increase of fine for a continued slightness or neglect as the Court shall determine.

Provided notwithstanding, that such licenced persons may entertain strangers, land travellers, seafaring men, lodgers, or others for their necessary occasions, refreshments, or during meals, when they come from their Journeys or Voyages, or when they prepare for their Journey or Voyage, in the night, or next day early, or such may continue in such houses of common entertainment, as their business and lawfull occasions may require, so that there be no disorder among them.

But every person found drunken, namely so, that he be thereby for the present bereaved or disabled in his understanding, appearing in his speech, jesture or carriage, in any of the said houses, or elsewhere, shall forfeit for the first time, ten shillings; and for excess of drinking, or continuing in any such place unnecessarily at unseasonable times, or after nine of the clock at night, five shillings; and for continuing tipling there above the space of an hour, two shillings sixpence for the first offence, and for the second offence in each kind, and for all further disorder, quarrelling, or disturbance, whether a first or second time, such further fine or punishment as the Court shall determine.

And for that God may be much dishonoured, and many inconveniences may grow by the Indians disorderly drinking of wine, Strong Water, and Strong Beer, unto which they are much addicted; it is ordered, that no person whatsoever, shall directly, or indirectly, within this Jurisdiction sel any Wine, Strong Water, or Strong Beer, to any Indian or Indians, or procure any for them, either to drink within this Jurisdiction, or upon any pretence to carry away,

without special licence, under the hand of some Magistrate of this Jurisdiction, or in any plantation, where there is no Magistrate, under the hand of one of the Deputies, or constable where he lives; and that no licence so given, shall serve, or be of force, anylonger than for that one particular time, and for the limited quantity then granted, under the penalty of five shillings for the first offence, and ten shillings for the second; but if any shall offend the third time, it is left to the plantation court where the offence is committed to consider the case, and to inflict such punishment or increase of fine as shall be meet; and in any plantation, where at present there is no court kept, the Deputies last chosen, for the general court, or constable, shall require the forfeitures, and for defect of payment, make seizure of so much out of the Delinquents Estate; but if any person shall offend the third time, every such person, shall by the said Deputies, or constable, be bound over to answer it before the next Court of Magistrates.

LAWS WITHOUT PENALTY.

It is by this Court declared and ordered, that in all laws and orders formerly, now, or hereafter to be made, where no fine, or penalty is expressed and limited, all transgressors have been, are, and shall be liable to such penalties, or punishments, as the court of Magistrates, or any plantation court, to which the cognizance appertains weighing the nature of the offence, with the circumstances shall judge meet, liberty of appeals, or complaints, as in other cases, being duly presented.

LEATHER AND SHOO-MAKERS.

Upon consideration of the damage or injury, which may sustaine by the ill coming of Leather, and by the Shooe-Makers ill making it up into Shooes and Boots, it is by this court ordered, that in every plantation within this Jurisdiction, where either Tanner or Shooe Maker is imployed in

their trades, one or two sealers shall be chosen and appointed, as the occasions require, who shall be under oath, faithfully, (according to their best ability,) to discharge their trust; and shall seale no leather, but such as they judg sufficiently tanned, and fit to be wrought out, and sold in Shooes and Boots. And that every such plantation shall have two seales, to distinguish betwixt good leather wel and sufficiently tanned, and such, as though tanned enough, is in some other respect defective, either by overliming, or for want of being wel wrought upon the beame, or by frost, or hath received some damage in drying; so that though it may serve for inward or middle soales, yet not for other uses without dammage to the buyer; all which Leather, so defective, shall be sealed with a different seale, that it may be known to be faulty. But that which is not sufficiently tanned, shall neither be sealed, nor used in Boots or Shooes till it be duly tanned. The choosing and appointing of which sealer or sealers, the print or marke, which plantation shall set upon their seales for good or faulty Leather, with the rate to be allowed for sealing, being left to the severall plantations, but no tanner within this Jurisdiction shall upon any pretence, sel, deliver, cause or suffer to be delivered, or pass out of his hands, or custody, any hide or hides till being fully dry, they be first sealed by the officer or officers thereunto appointed, under the penalty of forfeiting the said Leather, or the value of it to the plantation where the offence is committed.

And it is further ordered, that if any Shooe Maker shall use, or put any unsealed Leather, either in Boots or Shooes, or put any of the forementioned faulty Leather, (though sealed as such,) in any outward soals, or upper Leather, or in any other place, which may be hurtful to the buyer, or wearer; or shall use any other way of deceit in making up his ware, he shall make due and full recompence to the person or persons wronged, and complaining, and shall suffer such further punishment as his offence considered with the

circumstances shall require. And whosoever shall bring hides from any other place, and shal sel or use any of them for bootes or shooes within this Jurisdiction, before they be sealed by some officer here, according to the import of this order, or shal use them in Bootes or Shooes, contrary to the intent thereof; the hides so sold or used, or the value of them shal be forfeited to the plantation where the offence is committed, or such recompence or Fine shall be made or paid, (if it grow only of ignorance) as the case may require; provided that if both buyer and seller be faulty, they shall pay the forfeiture betwixt them; but due tenderness and respect is to be had of an innocent stranger, who brings, sels, or uses good leather, though for want of means to know the law, it were unsealed.

LEVIES. SEE MARSHALL.

LYING.

It is ordered, that if any person above the age of fourteen years, shall wittingly and willingly make, and publish any lye, tending to the damage, or injury of any particular person, or with intent to deceive and abuse the people, with false news, or reports, or which may be any way pernicious to the publick world; and the same complained of, and duly proved, either before any Court or Magistrate, or where there is no Magistrate, before the Constable, or other officer, he calling one or two of the freemen to him (who are hereby inabled to hear and determine ordinary offences of this nature, according to the tenour of this Law) the offender shall pay to the plantation, where he is prosecuted for his lying, as it is a sin against God, for the first offence, ten shillings; and if after such conviction, he offend the second time, he shall pay for that second offence twenty shillings, which fines or penalties shall be severally levied as in other cases. But if any such person be not able, or utterly refuse to pay the said fines, or either of them, he shall in such

case be committed to the stocks; and for the first offence shall continue there betwixt one and two hours; for the second offence betwixt three and four hours. But if he offend the third time, he shall be publickly whipt for the same; each person being notwithstanding left to his liberty, to prosecute further by action of slander, defamation, or otherwise, as the case may require. But the said Court, Magistrate, or other officer as before, finding weighty aggravations in the case either in the sin against God, or disturbance, and damage to the Publick, and to proceed accordingly; or if need require may bind the offender over to the Court of Magistrates. John 13: 4. Psal. 119: 69. Hosea 4: 4, 2.

MAGISTRATES OR OTHER JUDGES IN RELATION.

To prevent occasions and jealousies of partial and undue proceedings in Courts of Justice, it is ordered, that no Magistrate, or Deputy, shal sit as a Judge, or among the Judges, when any cause of his own is tryed; and that in every case of civil nature, between party and party, where there shal fal out so near relation between any Judg and any of the parties, as betwixt Father and Son, either by nature or marriage, Brother and Brother, Uncle and Nephew, Landlord and Tenant, in matters of considerable valew, wherein any one of them being one of the Judges is concerned; such Judg, though he may be present at the Tryal, and may propound and hold forth light in the case, yet he shall neither sit as Judge, nor shal have power to vote or pass sentence therein; and in case the Court, without such Magistrate or Deputy, may not proceed, either two Magistrates may be called in, or the matter referred to the Court of Magistrates, if it be not otherwise to Just satisfaction issued.

MANSLAUGHTER.

It is ordered, that if any person, in the Just and necessary defence of his own life, or the life of another, shal kil

any person attempting to Robb, or Murther in the field, Highway, or other place, or to break into any dwelling House, if he cannot otherwise prevent the mischief, or with safety of his own person, take the fellow or assailant, and bring him to Tryal, he shall be holden blameless.

MARRIAGE.

For the preventing of much inconvenience, which may grow by clandestine and unlawful marriages; it is ordered, that no persons shal be either contracted, or Joyned in Marriage, before the intention of the parties proceeding therein, hath been three times published, at some time of of publick Lecture, or Town Meeting, in the Town or Towns where the parties or either of them dwel, or do ordinarily reside; or be set up in writing, upon some post of the meeting house door, in publick view, there to stand, so as it may be easily read by the space of fourteen daies; and that no Man, unless he be a Magistrate in this Jurisdiction, or expressly allowed by the General Court, shall marry any persons, and that in a publick place, if they be able to go forth, under the penalty of five pounds fine for every such miscarriage.

And the Court, considering that much sin hath been committed against God, and much inconvenience hath growen to some members of this Jurisdiction, by the irregular and disorderly carriage of young persons of both sexes, upon purpose or pretence of Marriage, did and do order, that in this Jurisdiction, whoever shall attempt, or endeavour to inveagle, or draw the affections of any maide or maide servant, whether Daughter, Kinswoman, or in other Relation, for himself, or for any other person, without the consent of Father, Master, Guardian, Governor, or such other, who hath the present interest or charge, or (in the absence of such) of the Magistrate, whether it be by speech, writing, message, company-keeping, unnecessary familiarity, disorderly night meetings, sinful dalliance, gifts, or any

other way, directly or indirectly, every such person (beside all damages which the Parent, Governor, or person intrusted or interested, may sustain by such unlawful proceedings,) shall pay to the plantation forty shillings for the first offence; and for the second offence towards the same party, four pounds; and for the third offence, he shall be further fined, imprisoned or corporally punished, as the Plantation Court, or Court of Magistrates, considering all circumstances, shall determine. Numb. 30 : 5. Exod. 22 : 16, 17.

And whereas some persons, men or women, do live, or may come to settle within this Colony, whose wives or Husbands are in England or elsewhere, by means whereof they are exposed to great temptations, and some of them live under suspicion of uncleanness, if they do not fall into lewd and sinful courses, it is therefore ordered, that all such persons, living within this Jurisdiction, shall by the first opportunity, repair to the said relations, (unless such cause be shewn to the satisfaction of the Plantation Court, that further respite and liberty be given,) under the penalty of paying twenty pounds fine for contempt or neglect herein, provided that this order do not extend to such as are, or shall come over to make way for their Families, or are in a transient way for traffick, merchandise, or other Just occasions, for some small time. 1 Cor. 7 : 5.

MARSHALL.

That Justice may be the better executed, the Jurisdiction occasions carried on, and that the Marshall and other officers may know how to demean themselves in their places; it is ordered, that in case of Rates and fines to be levied, and in case of debts and executions in civil actions, the officer shall first demand the sum due of the party, or at his House or place of abode, but upon refusal or nonpayment, he shall have power, (calling in such assistance as the case may require,) to break up the door of any house,

chest, or place where he shall conceive, or have notice, that any goods, liable to such levy or execution, shall be; And if he be to take th' person, he may do the like, if upon demand he shall refuse to render himself; and whatever charges the officer, in any such case, shall be put unto, he shall have power to levy the same, as he doth the debt, assessment, or Fine; and in case the officer be put to leavy any such goods, as cannot without considerable charge be conveyed to the place where the Treasurer, or party dwelleth, who should receive the same, he shall levy the said charge also, with the rest; provided it be lawful for any such officer to leavy any Mans necessary Bedding, Apparel, Toolles, Armes, or such implements of Household stuff as serve for his necessity, without express direction from the Court; upon whose sentence the execution or seizure was grounded, or at least, of some Magistrate of the Jurisdiction, but in such cases he shall levy his Land or person. And in no case, shall the officer be put to seek out any Mans Estate further than his place of abode; but if the party will not discover his goods or Lands to a sufficient value, the officer may take his person.

And to prevent the inconveniences which may grow by the slightness of some Mens spirits, who are apt to neglect and violate wholesome orders and Laws, made in the Jurisdiction or plantations, it is ordered, that whosoever shall be fined by any Court, for any disorder or breach of Law, every such person shall forthwith pay the fine or penalty, or put in security specially to do it, or else shall be imprisoned, or kept to work, if the Court, upon due consideration of persons and circumstances, Judge it not meet to make other seizure.

MASTERS AND SERVANTS, &c.

It is ordered, &c., that no Servant, Male or Female, or other person under government, shall, without license from his, her, or their Masters or Governors, either give, sel, or

truck any commodity whatsoever, during the time of their service or subjection, under the pain of such Fine or corporal punishment as the Court, upon a due consideration of the offence, shall Judge meet; and that whosoever shall receive from, or trade with any child, Son or Daughter, under age, and under government, or with any servant or servants, in a suspicious disorderly manner, or shall harbor or entertaine any such in the night, or at other unseasonable times, or shall suffer them disorderly to meet at any place within their, or to play at shovel-board, or other game or games, to drink, spend money or provisions, or shall use or suffer any offensive, sinful carriage, conference, counsel, or songs, which in their nature tend to corrupt, all such persons shall be liable to such Fines, or other punishments, as the Court shall Judge meet.

MAYNING, WOUNDING, &c.

If any shall, in distempered passion, or otherwise, sinfully, hurt, wound, or maim another, such person shall be punished by fine, with some valuable recompence to the party; and shall pay for the cure, with loss of time, &c. And when the case requires it, the Court of Magistrates are duly to consider the mind of God, as it is revealed. Exod. 21: 18 to the 28. Levit. 24: 19, 20.

MILITARY AFFAIRS.

For as much as the well managing of the Militia is, under God, in all places, of great import and concernment, for publick peace and safety, it is ordered, that (beside a general stock of guns, powder, shot, match, &c. provided and kept in store by each plantation in this Jurisdiction, according to former agreements of the commissioners for the united colonies, and orders of this Court, which they are hereby required to keep continually full, and in a constant readiness for service upon all occasions, and by the Deputies to make a true certificate thereof

yearly to the General Court,) every male within this Jurisdiction, from sixteen to sixty years of age, (not freed by publick allowance,) shall be, and from time to time continue, wel furnished with arms, and all other suitable provision; namely, a good serviceable gun, such as shall be ordered by the Court, and allowed by the Military officers, to be kept in a constant fitness in all respects for service, with a fit and sufficient Rest, a good Sword, bandaleers, or horne, a scowerer, a priming wire, shot bagg, charger, and whatsoever else is necessary for such service, with a pound of good powder, four pounds of pistol Bullets, or four and twenty Bullets fitted for the gun, four faddom of serviceable match, for a match lock gun, five or six good flints fitted for every firelock gunn, under the penalty of ten shillings for any defect; and the Military officers are hereby required to give or send in an account yearly, in May, from each plantation, to the General Court, or Court of Magistrates, how the inhabitants are furnished and provided.

That in each plantation within this Jurisdiction, according to the number of Soldiers in their Trainband, and as they are furnished with able men for such a service and trust, Military officers, as need requireth, shall from time to time be chosen. And all the Freemen in each plantation shall have their vote, in the nomination and choice of them; provided that none but freemen be chosen. And that every Captaine and chiefe officer ch'sen in any of the plantations, for the Military affaires, shal, from time to time, be propounded to the next General Court, after he is chosen, for approbation and confirmation. And if the said Court have any Just exception against any so propounded, the freemen shall proceed to a new choice, that the Jurisdiction may be furnished with such officers as in whom they may satisfyingly confide.

That in each plantation, the captaine or chief military officer, shall once in each quarter of a year at least, but

oftener if there be cause, order or take a strict view, how many male, from sixteen to sixty years of age, is furnished with Arms and provisions, according to the former directions; and where any are found faulty, the clark, or some other officer, shall duly present their names, with each defect, to the next plantation court, or to such officer (when there is no court) who hath a trust in civil affairs, that the fines and penalties may, from time to time, be duly levied. And if this view of arms, &c. shall at any time be neglected, or the defects not duly presented, the captain or chief military officer, or the other officers ordered to take this view, or the Clark, or officer appointed to present, &c. shall pay forty shillings each quarter, when this service, or any part of it is omitted, as the fault, upon examination, shall joyntly or severally be justly charged.

There shall be in each plantation within this Jurisdiction, every year, at least six training daies, or daies of publick military exercise, to teach and instruct all the males above sixteen years of age, (who are not freed from that service) in the comely handling, and ready use of their arms, in all postures of War, to understand and attend all words of command; and further, to fit all such as are in some measure instructed, for all military service, against there be occasion, under the penalty of forty shillings, to be levied of the military officers, as the Court, upon examination, shal find them more or lesse faulty; and with respect to their places, the greater trust paying the greater fine for neglect; which dayes of training, shall be some of them in the Spring of the year, before Harvest, and some in the latter end of Summer, before winter, as may best suit each plantation; but at no time any two of these traynings shall be within fourteen dayes of another.

And it is further ordered, that on every such Training day, the captain, or Chief Military officer present, cause the names of all the soldiers to be read, at least in the forenoone, but in the af-

ternoon also, if he see cause. And whosoever, in any training day, shal be totally absent, shal pay five shillings for every such default; whosoever shal at any time of the day withdraw himself from the service, without leave from the chief Military officer present, he shall pay either as for total absence, or a greater or lesser fine, as the offence, considered in all circumstances, may require; and whosoever shal come late, shal pay for each such default, one shilling; and for any other disorderly offensive carriage, according to the nature and measure of it. This court expecting from each plantation, that they suffer not men to neglect, or grow slight in service of such import.

That a fourth part of the trained band in every plantation, shal in their course, as the Military officers shal order, come constantly to the publick worship of God every Lords day; and (such as come) on Lecture dayes, to be at the meeting house, at latest, before the second Drum hath left beating, with their Arms compleat, their Guns ready charged, their match for their match locks, and flints ready fitted to their firelock guns, with Shot and Powder for at least five Shot, beside the charge in their guns, under the penalty of two shillings fine, for every person negligent or defective in furniture, and for late coming, one shilling; the sentinel also, and they that walk the round, shal have their matches lighted, during the time of their meeting, if they use their match locks, and shal diligently and faithfully attend their duty, under such further penalty as the breach of such a trust may require.

That a strict watch be constantly kept in the night, in all the plantations within this Jurisdiction, according to all such orders, as shal from time to time be made, either by the General Court, or by plantation Courts, or officers instructed for civil affairs, where there is no Court; and that both for number of watchmen in each plantation, the time of setting or beginning the watch every night, their rising and leaving it in the morning, all other carriage and duties

in managing this trust, they duly attend and observe all directions given. And it is left to the care and consideration of the Governor, Magistrates, officers, or any of them, as the case may require, to double or further increase the watch by night, in times of danger, and to appoint some competent number of men to ward or walk by day, with their Armes in, or about the plantation, as may best tend to the publick safety; and if any watchman or warder, do at any time neglect his duty, either in coming too late to the service, or departing too soon from it, not coming compleatly furnished with Arms, according to order, or any other way neglecting duty, or falsifying his trust, he shal pay such fine, or receive such punishment, as his neglect or unfaithfulnesse deserves, that both himselfe may be warned, and others may feare to be slight, or false in a matter of such concernment.

But upon consideration of publick service, and other due respects, it is ordered that all magistrates within this Jurisdiction, and teaching Elders, shal at all times hereafter, be freed, not onely in their persons, but each of them, shal have one son or servant by vertue of his place or office, freed from all watching, warding and training. And it is further ordered, that all ruling Elders, Deputies for Courts intrusted for Judicature, all the chief military officers, as Captains, Liefteanants and Ensignes, the Jurisdiction Treasurer, Deacons and all Physitians, School Masters and Surgeons, allowed by authority in any of these plantations, all masters of Ships and other Vessels above 15 tun, all public Millers, constantly imployed, with others for the present discharged for personal weakness and infirmity, shall in their own persons, in time of peace and safety, be freed from the said services; and that all other seamen and ship carpenters, and such as hold farms above two miles from any of the plantations, train onely twice a yeare, at such times as shall be ordered, either by the authority, or by the military officers of the plantation. But all persons

freed and exempted from the respective services, as before, shall yet in all respects, provide, keep and maintain in a constant readinesse, compleat arms, and all other military provisions, as other men, Magistrates and teaching Elders excepted, who yet shal be constantly furnished for all such sons and servants as are hereby freed from the fore-mentioned services. Judg. 5; 8. 1 Sam. 13; 19, 22. Luke 22; 36. Gen. 14; 14. 2 Chro. 12; 33. 2 Chro. 17; 18. 2 Sam. 1; 18. Nehem. 4; 16, to the end.

MINISTERS MAINTENANCE, SEE ECCLESIASTICAL PROVISIONS.

OPPRESSION.

To prevent, or suppress much sin against God, and much damage to men, which doth, and may grow by such as take liberty to oppress and wrong others, by taking excess in wages for work, or unreasonable prises for commodities, it is ordered, that if any shal offend in either of the said cases, upon complaint and proof, every such person shall be punished by fine or imprisonment, according to the quality and measure of the offence, as the court shall judge meet. Jer. 6; 6. Jer. 22; 15, 16, 17. Ezek. 22; 29. Hosea 12; 7.

PLANTATIONS.

Whereas the Freemen of every town or plantation within this Jurisdiction, have in sundry particulars, liberty to make orders among themselves, as about fencing their land, ordering or keeping their cattel or swine, &c., as may best suit with their own conveniency; it is by this court ordered, that if any greater cattel, of what sort soever, or swine belonging to one plantation, be found either unmarked, or proved to have done trespass, or both, within the limits of another plantation, the damage being duly Rated, the owners of such Cattel or Swine, shal from time to time, pay all Fines and damages, according to the Just agree-

ments and orders, made by the plantation where the trespass is done; provided that the orders be such, and no other than what they make and execute upon themselves in like cases.

POUND. POUND BREACH.

For prevention, or due recompence of damages in cornfields, or other places, done by cattel or swine; it is ordered, that there shal be one sufficient pound, or more, made and maintained in every plantation within this Jurisdiction, for the impounding of such cattel or swine as shal be found in any cornfield, other inclosure, or place prohibited, til it may appear where the fault and damage ought to be charged. And whoso impounds any cattel or swine, shal give present notice to the owner, if he be known, or otherwise they shal be cryed at the two next Lectures, or most publick meetings, but if yet the owner be not found, then fine and damages to be recovered, as in the order about cattel, &c., and if any of them escape out of the pound, the owners, if known, shal pay all just damages and charges.

But if any person or persons, shal resist, or rescue any cattle or swine going, or driven towards the pound, or shal by any way, or means, get, or convey any such out of the pound, without due order, from lawful authority, settled by this Court, he or they, shal pay for such rescue, or disorder, forty shillings, and in case of pound breach five pounds, beside just damages to the party wronged. And if in the rescue, any bodily harme be done to any person, he, or they, may have remedy from the rescuer, or rescuers; and if any such miscarriage be committed, by any, not able, or refusing to answer the forfeiture and damage, every such person shal sustaine such bodily punishment, as the court shall Judge meet, and shal answer all damage to the party by service, if Estate cannot be found, as in the case of other just debt; and if it appear there were any procurer of

abettor of the former offences, every such person shall be liable to forfeiture, damage, or punishment, as if he himselfe had done it.

PROPHANATION OF THE LORD'S DAY.

Whosoever shall prophane the Lord's Day, or any part of it, either by sinful servile work, or by unlawful sport, recreation or otherwise, whether wilfully, or in a careless neglect, shall be duly punished by fine, imprisonment, or corporally, according to the nature and measure of the sinn, and offence. But if the court upon examination, by clear and satisfying evidence, find that the sin was proudly, presumptuously, and with a high hand committed against the known command and authority of the blessed God, such a person, therein despising and reproaching the Lord, shall be put to death, that all others may fear and shun such provoaking Rebellious courses. Numb. 15: from 30 to 36 verse.

PROPHANE SWEARING OR CURSING.

If any person, within this Jurisdiction, shall swear rashly and vainly, either by the holy name of God, or any other oath, or shall from distempered passion, or otherwise, curse another, he shall forfeit to the plantation, where he so offends, for the first offence, 10s. And if after such conviction, he offend the 2d time, he shall pay for that 2d offence, 20s. and it shall be in the power of any Magistrate alone, or when there is no Magistrate, of any Constable, or Deputy of a particular Court, calling into him, one or two of the freemen, to warn or call such a person before him, and upon sufficient proof, to pass sentence, and leavy the said penalties, according to the usual order of Justice in this Jurisdiction. But if any such person be not able, or utterly refuse to pay the forementioned fines, or any of them, he shall in such case be committed to the stocks, and for the first offence, shall continue there betwixt one and two hours; for the second offence, betwixt three and four hours. But

if the same person, notwithstanding such former proceedings, shal offend the third time, by such swearing, or cursing, he shal be whipped, for his incorigible prophaneness. But if swearing and cursing go both together, or be accompanied with other sinful aggravations, such miscarriages shal be punished with a higher fine, or corporally with due severity, as the court shal judge meet.

RATES, FINES, &c.

Whereas much inconvenience may arise by neglect of officers in collecting, and seasonably paying in, all such Rates, fines, and debts, as from time to time, grow due to the Jurisdiction Treasury; it is ordered, that in each plantation, where the officer, or collector, doth not at the time appointed for the payment of all such Rates, and fines, or at furtherest within one moneth after, (though his office within, or after that month be expired) and that by distress, whereunto he is hereby enabled, when a milder course will not serve, gather and receive them, in some such pay, as this court hath appointed, and presently without delay, pay them in, as each plantation hath, or shal order, that the Jurisdiction Treasurer may be duly furnished for the publick occasions; that then the particular court or Constable, in each such plantation, cause the said Rates, and fines to be levied by distress, out of the proper estate of such remiss collector, or officer, to prevent further inconvenience, and disturbance to the plantation. But if any such officer, or collector, be removed out of the Jurisdiction, or if any of the planters be dead, removed or grown insolent, or if by any other means, the full payment of the Rates, and fines be hindred, the present authority in any such plantation, by a due assesment, are to leavy and gather the same, of the present planters, and without delay, to pay it in to the Jurisdiction Treasurer; otherwise the cattel, or the goods, of any planter or planters, are to be seized by the Marshal,

or other officer, without assistants, as in the Law for public charges is exprest.

RECORDS.

It is ordered that all parents, masters, Housekeepers and others, who have either children, servants, sojourners or lodgers in the house, or dwelling with them, shal bring into the secretary of the plantation where he lives, or to such other officer in each plantation, as shal be thereunto appointed, the names of such persons belonging, or any way referring to them, or any of them, as shal either be born, or dye, with the respective time of each such birth, or death. And also that every new Married Man, (if married within this Jurisdiction,) shal bring in the certificate thereof, under the hand of the Magistrate or officer that married him, with the time when, to be recorded first by the officer of the plantation, where he was married; but if married in another Jurisdiction, though at present or after he come to be an inhabitant in this, then to record the marriage where he liveth; and to pay for every Record, whether birth, death, or marriage, three pence, whereof two pence for each such Record, shal be to the officer in each plantation, who shal both Record in the plantation book and yearly deliver or send a transcript of every birth, death or marriage with a penny for each, to the secretary for the General Court. And what person soever, (to whom it doth belong) shal neglect to bring in a note, or certificate as aforesaid, together with three pence for each Record to the said plantation officer, more than one Month, after each birth, death or marriage, he shall pay for each six pence to the said officer; if he neglect two months, he shal pay twelve pence; if three months, five shillings; which forfeits shal go, two third parts to the plantation officer, the rest to the Jurisdiction officer. And if the plantation officer shal either neglect to Record, or deliver over the transcripts as before; or if the secretary for the General Court,

shal neglect to record them, each officer for every such neglect shal pay to the Jurisdiction Treasurer, ten shillings.

It is further ordered and declared, that every man shal have liberty to Record in the publick Register of any Court, any testimony given upon oath, in the same Court, or before two Magistrates, or any Deed, or evidence, legally confirmed, there to remaine in *perpetuam rei memoriam*; and that every inhabitant in this Jurisdiction shal have free liberty to search, and view any such publick Records or Registers, and to have a copie thereof, written, examined, and signed by the secretary, or officer of said court, paying the due charge or fees therefore. Also every trial betwixt party and party, and proceedings against Delinquents in criminal causes, shal be briefly and distinctly recorded, the better prevented, after mistakes, and other inconveniences.

REPLEVIN.

It is ordered and declared, that every man shal have liberty to replevy his cattle, or goods, impending, distreined, or seized, unless it upon execution after Judgment, or for payment of Rates or fines; provided he put in good security to prosecute the Replevin, and to satisfy such damage, as his adversary shal recover against him in law.

SABBATH, SEE PROPHANATION OF THE LORD'S DAY.

SEAMEN, &c.

It is ordered, that if any Seamen, Marriner, Master of Ship, or Vessel, or other person, shal receive into any Ship, Pinnace, Bote, Cannoe, or other Vessel, by what name soever called, and shal carry away, or suffer to take, or have passage, out of any harbor, or plantation, within this Jurisdiction, any child, servant, or other person, whether Male or Female, whom he knoweth to stand in relation, or under the charge and goverment of another, and so not at his or her own present dispose, or any Debtor, Delin-

quent, or offender, whom he knoweth; or hath heard to be under, or liable to any engagement, censure or punishment, to, or from any particular person, or the authority of this Jurisdiction, or any plantation therein, without express, and written license, from some Magistrate, dwelling in that plantation, or from the Constable, or Deputies intrusted for civil affairs, where there is no Magistrate, or at least from the master, or Governor of the family, who hath the trust or power, where there is no other ingagement or guilt; he shall be liable (if known and apprehended in any part of this Jurisdiction) to satisfie, and pay all such debts and ingagements as any such person oweth, or ought to satisfie, and to pay such damage or fine to the person wronged, or to the plantation, or Jurisdiction, as the court considering the case, with the circumstances, shall judge meet.

SENTENCES OF JUDGMENT.

It is ordered that all sentences of Judgment, upon criminal causes, shall be executed upon the offenders in the presence of the Magistrates, or one of them at least, Deut. 25, 2, of some other officer in the absence of the Magistrate.

SERVANTS, SEE MASTERS.

SHOOMAKERS, SEE LEATHER.

SINGLE PERSONS.

To prevent or suppress inconvenience and disorder in the course and carriage of sundry single persons who live not in service, nor in any family relation, answering to the mind of God in the fifth commandment, it is ordered that no single person of either sex, do henceforward board, diet, or sojourn, or be permitted so to do, or to have lodging or house room within any of the plantations of this jurisdiction, but either in some allowed relation, or in some approved family licensed thereunto by the Court, or by a Magistrate, or some officer or officers in that plantation ap-

pointed thereunto, where there is no Magistrate, the governor of which family so licenced, shal, as he shal conveniently, duly observe the course, carriage, and behaviour of every such single person, whether he or she walk dilligently in a constant lawful imployment attending both family duties and the publick worship of God, and keeping good order day and night, or otherwise. And shal then complaine of any such disorder, that every such single person may be questioned and punished if the case require it. And if any single person shal dyet or lodge, or if any house keeper shal admit or entertaine any such, contrary to the true meaning of this order; or if any licenced to receive such, shal neglect to complaine of any disorder observed, all, and every such persons, shal pay such fine as the Court or authority appointed for the place, shal judge meet.

SOJOURNERS, SEE STRANGERS.

Strays.

It is ordered, that whosoever shal take up or detain any stray beast or swine, or find any lost goods, he shal within six daies give notice thereof to the marshal, cryer, or other officer, appointed for such service by the plantation to which he belongs, who shal enter, or cause the same to be entered in a Book; and take order that it be duly cryed on their 3 next Lecture dayes, or upon 3 several dayes of the Towns next General meeting, which the time will afford; and if the value exceed twenty shillings, he shal cause the like publication to be made at the publick meetings of the two next Towns, that the owner may the better hear of, and recover what belongeth to him. And further, in the case of a stray beast, he shal within one moneth after such finding, put and indeavour from time to time, a with or wreath, about the neck of it; and within three months at furtherest, (if the owner in that time appear not) he shal acquaint the next magistrate with the stray taken up, or goods found, and his due proceedings about them, that the same may be

apprised by such indifferent men as the said magistrate shall nominate and appoint. And that in six dayes after that, cause the apprisement to be duly Recorded by the Secretary of the plantation Court, or Constable, or other Officer there intrusted for publick affairs, with the colour, age, natural or artificial marks, or such other description as best suits the stray or goods so taken up or found. And if the owner of any such stray appeare within one yeare after such publication, he shal have restitution in kind, if with safety and conveniency it might be so long kept, paying all just damages and charges to the finder and officers; nay, if he appear within three years after the stray was first taken up, (paying as before,) he shal have the ful value (according to the forementioned apprisement) restored. But if the owner shal be, and continue so negligent that neither in the first, second, nor third year he improve the means prescribed to assert and clear his title; the said stray, or lost goods, (to prevent contention and inconvenience which may after grow,) shal be in reference to the first owner by sentence of the plantation Court, lost and forfeited; and the ful value all damages and charges to the finder, officers, or others, being first deducted, (wherein if there be any question the Court, or some indifferently chosen; if there be no Court in that plantation, shal consider and determine) shal be equally divided, one half to the plantation, and the other half to the finder. But if the said finder shal omit or neglect his duty, or any part of it, according to the former directions, he shal pay such damage to the owner, and such fine to the plantation as the Court, upon consideration of the miscarriage, shal judge meet; if he proceed further to sel, kil, or any way for his own advantage, dispose or alienate the property of such stray without attending the said directions, he shal upon prooffe, pay double the value either to the owner, if he may be found, or to the plantation to which the finder belongs; provided, also, that if the owner or other person shal injuriously

without order from authority, or consent of the finder, take off such with or wreath, or take away such stray (after such with or wreath to his knowledge hath been put on,) before he have cleared his interest and given satisfaction for damages, or charges expended, he shal forfeit the ful value of the stray appraised as before, to the use of the finder.

STRANGERS, SEE COURTS.

STRANGERS COMPLAINING.

If any stranger, or person of another nation, complain of injury received from any within this Jurisdiction; it is ordered that due search and enquiry be made concerning the same, that justice may have a free passage; and that the stranger (if wronged) may receive due satisfaction, either out of the estate of the offender, or by his corporal punishment, as the case may require, and according to Mat. 7; 12. Exod. 22: 21. 23: 9.

STRANGERS, SOJOURNERS AND SERVANTS.

To prevent sundry inconveniencies which may grow to this Jurisdiction, and the plantations thereof, by the inconsiderate and disorderly receiving and entertaining of strangers or others) to be planters or sojourners in any part of this Colony; it is ordered that hence forward, no person receive or entertain any man or woman, of what age or quallity soever, coming or resorting either from forraign parts, or from other Jurisdictions or plantations, into any plantation, or farne-house, or habitation, within the bounds or limits of any plantation within this Jurisdiction, to settle as a planter or sojourner, nor sel, give, nor any way alienate or pass over, lease, or let, any house, or house-lot, or any part or parcel of any of them, or any land of what kind or quality soever, nor shal permit any such to stay or abide above one moneth, without a licence from and under the hand of some Magistrate dwelling in that plantation, or without the consent and express order of the major part of

the freemen of such plantation, where there is no Magistrate, or without the consent and order of the greater part of the Inhabitants, where there is neither church nor freemen, under the penalty of ten pounds, to be paid as a fine to the plantation where this order is violated. Yet, if any such violation or offence be made or committed only by error or mistake, and with small or no inconvenience to the plantation or Jurisdiction, the fine or penalty may be moderated as the plantation Court, or Court of Magistrates, shall see cause. Provided that this order is neither intended nor reacheth to travellers, nor such as resort hither in a way of merchandise or trade, nor to the entertainment of Friends, who, in a way of love, come only to visit and walk inoffensively, nor to servants received and entertained upon family respects. In all which cases, as every particular person considers his own conveniency in receiving and entertaining; so the Court of Magistrates or plantation Court, will consider how far they may justly free the Jurisdiction, or plantation, from inconvenience and charge. But it is by this Court ordered, that if any servant fall sick, or any way diseased or distempered during the time of service by covenant or agreement, the Governor of such servant while that term lasteth, shall provide what is necessary without putting any burden or charge upon the plantation or Jurisdiction. And if such hurt came or were brought upon such servant by the cruelty or miscarriage of the family governor, such governor shall allow recompence or maintenance after the time of relation is expired, as the plantation Court shall judge meet. But if the hurt came by any providence of God, without the default of the family Governor, the plantation shall dispose or provide for such servant after his or her time of service is expired, as the case may require.

And to prevent difference or questions which may arise, and grow within this Jurisdiction; it is agreed and ordered, that if any person, male or female, elder or younger,

whether with or without license, shal hereafter sojourne, or have constant dwelling or abode, within the limits of any plantation in this Jurisdiction, for and during the tearm or time one whole year, every such person shal to all purposes (in reference to any plantation within this Jurisdiction, but no further,) be accounted an Inhabitant there, and shal not be sent back, or returned, (unless to some particular person, standing and continuing in relation to receive and provide, as the case may require,) nor shal the Jurisdiction, or any other plantation in it, be liable to any charge or burden, in reference to any such person, though he or she hath dwelt elsewhere in the Jurisdiction before.

STRIPEs.

Stripes, or whipping, is a correction fit and proper in some cases, where the offence is accompanied with childish or brutish folly, with rude filthiness, or with stubborn insolency, with bestly cruelty, or with idle vagrancy, or for faults of like nature. But when stripes are due, it is ordered, that not above forty stripes shal be inflicted at one time. Deut. 25 : 3. Prov. 19 : 29. c. 26 : 3.

SUITS VEXATIOUs, SEE DAMAGES PRETENDED.

SWEARING, SEE PROPHANE SWEARING.

SWINE, SEE CATTEL, AND SEE PLANTATIONS.

THEFTS, SEE BURGLARY.

TRESPASS.

It is ordered and declared, that in any Trespass or damage done to any man or men, if it appeare, or can be proved to be done, by the meer default of him or them upon the losse or damage fals, it shall be Judged no trespass, nor any recompence allowed for it.

WATCH, SEE MILITARY AFFAIRS.

WEIGHTS AND MEASURES.

Whereas a considerable part of Righteousnesse, between buyer and seller, doth consist in known, certain, and just weights and measures, it is ordered, that in every plantation within this Jurisdiction, there be several standards procured and sealed, that they may be uniform and certain, viz: for weights, a set of Brass weights to 4 pounds, with the less weights included, according to the Averdepois pound, consisting of sixteen ounces, with a good Beam and Scales fit to try them. And so for corn measure, the Bushel, halfe Bushel, Peck, and halfe Peck, to be fitted to winchesters measure in England, and alike in all plantations. And measures for liquid things, as Ale quart, wine quart, wine pint, &c., and that there be one Ell and a yard, that all and each may be according to the use in London, as is generally practiced in these United Colonies. And that in goods sold by the Ell or yard, a thumbs breadth be allowed to the length of each Ell and yard; in goods sold by the hundred weight, that five score and twelve be allowed. And in all sorts of nails sold by the hundred, six score be allowed to the hundred, according to the course in England.

And that in each plantation within this Jurisdiction, some fit man or men be chosen and appointed, under the oath view, and try all the forementioned weights and measures, used in buying and selling, at least once a year, but oftener if there be cause, and to fit them to the forementioned standards, and then to mark them with some such known, approved mark, and to have such allowance for the same as each plantation shal order; which viewers or officers, so sworn, shal, in each plantation yearly, (beside extraordinary viewers,) appoint a convenient time and place to prove and try all such weights and measures, and shal give publick or due notice of it; and such weights or measures as cannot be brought or conformed to the standard, shal be ordered or destroyed, that they be no more used in buying or selling.

Lastly, if any viewer or officer, so chosen and sworn, do neglect his duty and trust, in any part of the premises, he shal pay as a fine to the plantation, forty shillings. If any person, within this Jurisdiction, after such notice given, shal neglect to bring in his weights and measures, at the time and to the place appointed, he shal pay three shillings four pence, for every such default, one halfe to the viewer or officer, and the other halfe to the plantation. But if any person within this Jurisdiction, shall at any time buy or sel by any false or unallowed weight or measure, to the damage of his neighbour, he shall pay (beside restitution,) such fine to the plantation as the Court, considering the nature and measure of the offence, shall Judge meet.

WILLS, INVENTORIES, AND THE ESTATES OF SUCH AS DYE
INTESTATE.

It is ordered, that when any person dyeth possessed of an Estate, within this Jurisdiction, whether it be greater or lesse, the Secretary of each plantation, or some officer thereunto appointed, shal enquire and call for the last wil and testament of every such person, together with a true inventory of all the goods and Estate of the deceased, within this Jurisdiction, which with the first conveniency, shal be Justly prized, and the Estate disposed or preserved, as the case shal require. But the Will, (if any be made and found,) and the inventory, shal be duly and respectively proved by oath, the wil by witnesses, the Inventory for the quantity of goods, by Executors, Administrators, or such as have had the Estate in custody. And for the valuation by the Apprisers, who shal be approved and appointed thereunto, by the plantation Court, or by some Magistrate or authority there settled, and shal be recorded by the secretary or some other officer, in all the particulars, and so kept among the plantation Records, and after presented to the next Court of Magistrates, or at the furtherest, to the next Court but one, after the party deceased, under such penalty

as the Court shall Judge meet, and delivered to the Secretary for the Jurisdiction, who shal keep all original wills and Inventories upon the file, and enter onely a brief abstract of them among the Jurisdiction Records; namely, the date of the wil, the names of the witnesses, when proved, when the Inventory was taken, the persons by whom the Estate was prised, with the summe it amounts to, and writing upon the Wil and Inventory in what folio the premises are entered in the Book of Records. And six shillings be paid for every such Wil and Inventory. But in plantations where there is no Court, the Jurisdiction Secretary shal, at each General Court, call the Deputies for such Wils and Inventories, which can be brought in and entered at large, in a Book of Records, kept by the Court of Magistrates for that purpose, and the originals kept on the file, as before expressed. And in such cases, the Jurisdiction Secretary to receive the fees due both to himself and the plantation Secretary. And when either the Wils or Inventories, or both, are large, and require much writing, the Court of Magistrates, or plantation Court, may enlarge the Secretaries fees. But if through the unskilfulnesse, or inadvertency of any person, any Wil or Wils, made or left, want due form, or cannot be legally proved, in such case, the Court, following as near as they rationally may the scope and aim of the testator, the Executor, or Administrator, before any of them intermeddle or have any power of such an Estate, shal (if the Court see cause,) put in sufficient security, which shal stand in force three years from the date, to deliver back the value of the whole Estate, or such part of it as the Court shal find Just cause otherwise to dispose of.

But if no Wil be found, then the Court of Magistrates, or plantation Court, shal consider who hath the next right of Administration, and when any such doth administer, he, she, or they, shal give such Bond or security as the Court, considering the value of the estate, with such questions as

are like to arise, shal Judge meet, to bring in a true inventory, within a convenient time limited, and to dispose of the whole estate, as the Court, according to the laws here settled, shal see cause to order, that the true estate, all Just debts being paid, and all necessary expences discharged, such as about the Funeral of the deceased, prising the goods, bringing in the Inventory, immediate and reasonable charges of housekeeping til things (without unnecessary delay) may be settled, shal be divided and allotted as folloeth; namely, one 3d part at least, to the widow of the deceased, if he leave a widow. And if there be children left, not or not duly provided for, two third parts at most to them, with due respect to the eldest son, who is to have a double childs proportion of the whole estate, Real and personal, unlesse the General Court, upon Just cause and grounds shal judge otherwise, either for dividing the Estate, or for the portion of the first born. But in case the Intestate leave his wife (who hath well deserved of him while he lived,) and but one child, one third part of the Estate shal, as before, go to the Widow, and one third part to the child; but the other third part shal be divided by the plantation Court, as they see cause, betwixt the widow and the child, reserving liberty for an appeal, either to the Court of Magistrates or to the General Court, as in other cases.

WINE, SEE IMPOST.

WITNESSES.

That Justice may have the more free passage, it is ordered, that any one Magistrate or other officer, authorised by the General Court, may, upon oath, take the testimony of any person of fourteen years of age or above, being of sound understanding and of good reputation, in any case, civil or criminal, out of court, and testifie the same, if it be desired, by his subscription, for evidence in another Jurisdiction. But if be for this Jurisdiction, the Magistrate

or officer is to keep the same in his own hands or custody, til the court, or deliver it to the Secretary or other officer, to be recorded, that nothing be altered in it. And yet where any such witnesse lives in the plantation where the court is held, or at furtherest within sixteen miles of it, and is not disabled by sicknesse or other infirmity; the said testimony, so taken out of court, (especially in capital causes,) shal not be received or made use of in court, except it were either at first taken in presence of the party testified against, or that the witnesse be after present in court, to be (if there be cause,) further examined about it. And it is further ordered, that any person, (by warrant from a Magistrate, or other officer thereunto authorised,) summoned to appeare as a witnesse in any civil case betwixt party and party, shal not be compellable to travel to any court in another plantation, where he is to give his testimony, except he who procured the summons, shal first lay down or give him satisfaction for his travel and expences outward and homeward, after the rate of two shillings a day, in proportion to the length of the way, and for such time as he shal necessarily spend in attendance about such case at the court or place, due recompence shal be awarded by the court. And if any witnesse so summoned, and after such payment, or satisfaction, shal fail to appeare to give his testimony, he shal (upon an action of the case,) be liable to pay the parties damages. And the like appearance (under such penalties as the nature and weight of the case may require,) shal all witnesses (being summoned) be bound to make, to give evidence in criminal causes, who shal also have due satisfaction from the Treasurer, upon notice and direction from the secretary of the court where the case was tried. And it is further ordered, that in all such cases, the charges of the witnesses shal be born by the Delinquent, and shal be added to the fine or censure imposed. That what the treasurer, upon such warrant from the court, shal disburse to the witnesses, may be duly repaid by the

offender, that neither the Jurisdiction nor plantation be unnecessarily burdened.

WOLVES.

Upon experience of great hurt already done by wolves in these parts, and upon consideration how mischievous the increase of them may prove, it is (for the encouragement of all such as wil set themselves to kil and destroy them,) ordered, that whosoever shall kil an old Wolf, within this Jurisdiction, and bring his head, shal have for the same 20s., and for each young Wolf so killed, 10s. And that the Indians have for each old Wolfes head, so killed, five shillings; and for each young one, 2s. and 6d., which several sums are to be paid by the plantation within the limits whereof sush Wolfe is killed, the bounds whereof are the lines betwixt each plantation; and to this purpose so to be accounted 12 miles up into the country.

SOME PRESIDENTS AND FORMES OF THINGS FREQUENTLY USED.

Summons.

To (A. B.) Husbandman of B. you are to appeare at the next Court, holden at N. on the day of month next ensuing, to answer unto the complaint of (C. D.) for withholding a debt of due upon a Bond or Bills, &c. or for a Horse, &c. sould you by him, or for work, or for a trespass done him, in his Corne or Hay, by your cattel, or for a defamation, or Slander you have raised or brought upon his name, or for striking him, or the like. And hereof you may not fail at your peril. Dated the day of month, 1655.

An Attachment.

To the Marshal or constable of (N.) or to his Deputy ;

you are required to attach (when the case requires it) the body and goods of (E. F.) and to take Bond of him to the value of with sufficient surety or sureties, for his appearance at the next court holden at (N.) on the day of the month, then and there to answer the complaint of (G. H.) for &c. as before, and so make a true return thereof, under hand. Dated the day, &c.

Bond for Appearance.

Know all by these presents, that we (E. F.) of M., Husbandman, and (I. K.) of the same plantation, carpenter, do bind ourselves, our Heirs and Executors, to (L. M.) Marshal, or (N. O.) Constable of (N.) aforesaid, in pounds, upon condition that the said (E. F.) shal personally appeare at the next Court at (N.) to answer (G. H.) in an action of and to abide the order of the Court therein; and not to depart without license.

Replevin.

To the Marshal or Constable of you are required to Replevin two Heifers of (P. R.) now distrayned or impounded, by (S. T.) And to deliver to the said (P. R.) provided he give Bond to the value of with sufficient surety or sureties, to prosecute his Replevin, at the next court holden at (S.) and so from court to court, til the cause be ended; and pay such costs and damages as the said (S. T.) shal by law recover against him, and so make a true return thereof, under your hand. Dated, &c.

Oath of Fidelity.

You (S. T.) being by the providence of God, an Inhabitant within New Haven Jurisdiction, do freely and sincerely acknowledge yourselfe to be subject to the Government thereof; and do here sweare by the great and dreadful name of the everlasting God, that you wil be true and faithful to the same; and will yield due assistance thereunto,

with your person and Estate, as in equity you are bound ; and wil truly indeavour to entertaine and preserve all the liberties and priviledges thereof, submitting yourself to all the Just and wholesome Laws and orders, which already are, or shal hereafter shal be by lawful authority there made and established. And further, that you will neither plot nor practice any evil against it, nor consent to any that shal do so. But will fully and timely discover the same to lawful authority there settled, for the speedy preventing thereof. And that you wil, as in duty you are bound, maintaine the honour of the same, and of all the lawful Magistrates thereof, promoting the publick good, whilst you shal continue an Inhabitant there ; and whensoever you shal be duly called as a free Burgess, according to the fundamental order and agreement for Government in this Jurisdiction, to give your vote or suffrage, touching any matter which concerneth this Colony, you shal give it as your conscience you shall judge may be conduce to the best good of the same, without respect of person, or favour to or from any man. So help you God in our Lord Jesus Christ.

Governors Oath.

Whereas you (A. B.) are chosen to the place of Governor within this Jurisdiction, for the ensuing year, and til a new Governor be chosen and sworn, you do here swear by the great and dreadful name of the everliving God, to maintaine (according to the best of your ability) all the lawful priviledges of this commonwealth ; according to the fundamental order and agreement made for government thereof, and that you will carry and demean yourself for the said time of your Government, according to the Laws of God, and the advancement of his Gospel, the Laws of this colony. And the good of the Inhabitants thereof, you shal do Justice to all without partiality, as much as in you lyeth. So help you God.

Deputy Governor and Magistrates.

Whereas you (C. D.) are chosen to the place of Deputy Governor, &c., or you (E. F.) are chosen to the place of Magistrate, &c., as in the Governors oath, mutatis mutandis.

Other Officers and Witnesses.

Several other oaths are to be administered to other officers, as Secretary and Treasurer for the Jurisdiction, Deputies for particular Courts, Marshal, Constable, Witnesses, &c. But the substance of their oaths is to ingage them to a faithful discharge of the duty of their places and trust, according to the best of their ability, to preserve the peace of the Jurisdiction, and to give full and true evidence in the cases wherein they give testimony.

EXTRACTS

FROM THE

BLUE LAWS OF VIRGINIA.

1662.—All persons that shall be cast in any cause (whether Plaintiff or Defendant,) shall be amerced, besides damages and costs, 50 lbs. of Tobacco in General Courts, and in County Courts 30 lbs. of Tobacco, to be levied by the Sheriffs of the respective Counties by distress, (Executors and Administrators excepted.)

Every man able to bear arms, shall have in his house a fixed Gun, 2 lbs. of powder, and 8 lbs. of Shot at least, to be provided by the master of the Family, under the penalty of being fined 50 lbs. of Tobacco.

1662.—All causes of what nature soever, may be tried at the County Courts, except for Life or member. No arrests shall be to the General Court under the value of 1600 lbs. of Tobacco, or £16 Sterling.

1662.—Every person who refuses to have his child Baptized by a lawful Minister, shall be amerced 2000 lbs. of Tobacco; half to the Parish, half to the informer.

1662.—A church shall be built in each parish of the country, unless the Inhabitants are so few and poor as they are incapable of so great a charge: then they shall be an-

nexed to some great parish of the same county, and a chapel of ease built for them.

For the more orderly managing of all parochial affairs, twelve of the most able men of every parish shall be chose to make a Vestry; out of which number, the minister and Vestry shall choose two church wardens yearly.

None shall be admitted of the Vestry without taking the oaths of Supremacy and Allegiance, and subscribing to be conformable to the church of England.

The whole Liturgy of the church of England shall be thoroughly read at church or chapel, every Sunday; and the Canons for divine service and sacraments duly observed.

No other Catechism shall be taught or expounded than the church Catechism inserted in the Book of common prayer.

Church Wardens shall present at the County Court twice every year, in December and April, such misdemeanors of Swearing, Drunkness, Fornication, &c., as by their own knowledge, or common fame, have been committed during their being Church Wardens.

To steal, or unlawfully to kill any Hog that is not his own, upon sufficient proof, the offender shall pay to the owner 1000 lbs. of Tobacco, and as much to the informer: and in case of inability, shall serve two years, one to the owner, and one to the informer.

He that brings home a Hog, or Hogs, without their Ears, shall be adjudged a Hog Stealer. The receiver shall be accounted an actor in the trespass.

Where a Freeman is punishable by Fine, a servant shall receive corporal punishment, viz., for every 500 lbs of Tobacco, 20 lashes, and so proportionable, unless the master, or other, will redeem them by making payment.

1662.—The Man and Woman committing Fornication, shall pay each 500 lbs of Tobacco, and to be bound to their good behaviour. If either of them be a servant, the

master shall pay the 500 lbs. of Tobacco, and the servant shall serve half a year longer than his time. If the master shall refuse to pay, then the servant to be whipt. If a Bastard be got and born, then the woman to serve her master two years longer than her time, or pay him 2000 lbs. of Tobacco; and the reputed Father to give security to keep the child.

1662.—No Indians shall come into the English bounds without a Badge in their company to shew what King they belong to, and if any damage or injuries be done by any of them to any Englishman, then the King, or great man of the place the badge denotes, shall be answerable for it.

No person of whatever quality, shall entertain any of the neighbouring Indians without licence from the Governour.

1662.—No marriage shall be reputed valid in law but such as is made by the minister according to the laws of England. And no minister shall marry any person without licence from the Governour or his Deputy, or thrice publication of Bans, according to the Rubrick in the common prayer Book. The minister that doth marry contrary to this act, shall be fined 10,000 lbs. of Tobacco.

Glebe shall be laid out in every parish, and a convenient House built for the Minister, and such provision made for his maintenance, in the valuable and current commodities of this country, as may be rally worth 80£ per An. besides his perquisites and Glebe, viz., if in Tobacco, at 12s per hundred; in corn, 10s. per Barrel; if in Bills of exchange, security for the certain payment; and in case of protest, he shall recover 50 per cent damages.

1662.—All persons keeping tipling Houses without licence, shall be fined 2000 lbs. of Tobacco, half to the county, and half to the informer.

No master of any Ship, Vessel, &c., shall transport any person out of this colony without a pass under the Secretaries hand, upon the Penalty of paying all such debts as

any such person shall owe at his departure, and 1000 lbs. of Tobacco to the Secretary.

The Court in every county shall cause to be set up near the Court House, a Pillory, a pair of Stocks, a Whipping Post, and a Ducking Stool, in such place as they shall think convenient: which not being set up within 6 months after the date of this Act, the said Court shall be fined 5000 lbs. of Tobacco.

1662.—In actions of slander occasioned by a mans wife, after judgment past for damages, the woman shall be punished by Ducking, and if the slander be such as the Damages shall be adjudged at above 500 lbs. of Tobacco, then the woman shall have ducking for every 500 lbs. of Tobacco adjudged against the Husband, if he refuse to pay the Tobacco.

Enacted that the Lords Day be kept holy, and no journeys be made on that day unless upon necessity. And all persons inhabiting in this country having no lawful excuse, shall every sunday resort to the parish church or chappel, and there abide orderly during the common prayer, preaching, and divine service, upon the penalty of being fined 50 lbs. of Tobacco by the County Court.

This act shall not extend to Quakers, or other Recusants, who totally absent themselves, but they shall be liable to the penalty imposed by the Stat. 23, Eliz. viz., £20 sterling for every months absence, &c., and all Quakers assembling in unlawful conventicles, shall be fined every man so taken, 200 lbs. of Tobacco for every time of such meeting.

All ministers officiating in any public cure, and 6 of their Family, shall be exempted from public Taxes.

1663.—If any Quakers, or other Separatists whatsoever in this colony, assemble themselves together to the number of 5 or more, of the age of 16 years, or upwards, under the pretence of joyning in a Religious worship not author-

ised in England or this country, the parties so offending, being thereof lawfully convicted by verdict, confessions, or notorious evidence of the fact, shall for the first offence forfeit and pay 200 lbs. of Tobacco; for the second offence 500 lbs. of Tobacco, to be levied by warrant from any Justice of the Peace, upon the goods of the party convicted; but if he be unable, then upon the goods of any other of the Separatists or Quakers then present. And for the third offence, the offender being convicted as aforesaid, shall be banisht the colony of Virginia.

Every master of a Ship or Vessel that shall bring in any Quakers to reside here after the 1st of July next, shall be fined 5000 lbs. of Tobacco, to be levied by distress and sale of his goods, and enjoined to carry him, her, or them out of the country again.

Any person inhabiting this country, and entertaining any Quaker in or near his House to preach or teach, shall for every time of such entertainment, be fined 5000 lbs. of Tobacco.

1665.—The sale of Arms to the Indians shall be wholly prohibited, and whosoever shall sell or barter Powder, Shot, Guns or Ammunition, to any Indian, shall be fined 10,000 lbs. of Tobacco, or suffer two years Imprisonment for the first offence, and for the second be prosecuted as a Felon.

Where any Englishman is murdered by the Indians, the next Indian town shall be answerable for it with their lives and liberties.

1667.—Enacted and declared, that Baptism of the children of Slaves, or those of greater groth, doth not alter the condition of the person as to his Bondage or Freedom.

1668.—The 27th of August appointed for a day of Humiliation fasting and prayer, to implore Gods mercy; if any person be found upon that day, Gaming, Drinking or working, (works of necessity excepted) upon presentment

by the Church wardens, and proof, he shall be fined 100 lbs. of Tobacco, half to the informer, and half to the poor of the Parish.

1668.—For any person maliciously to publish and declare by words or writing, that the acts of Assembly not repealed or expired, vacated or null'd by the King, are not of force and binding to all his Majesty's subjects within this his dominion; such persons shall be adjudged seditious, and being thereof convicted, shall be fined for the first offence 1000 lbs. of Tobacco, and suffer one month's imprisonment; for the second offence, 2000 lbs. of Tobacco, and two month's imprisonment; and for every offence after, double the penalties and forfeitures aforesaid: one half of which forfeitures to the King, the other to the informer, to be recovered by action of Debt, in any of his Majesties Courts in the country.

1670.—None but freeholders and house keepers, shall have any voice in the Election of Burgesses—every county not sending two Burgesses to every session of the Assembly, shall be fined 10,000 lbs. of Tobacco to the use of the public.

1670.—Whosoever shall renew the late quarrels and Heart burnings by names and terms of distinction, viz., Rebel, Traytor, and being therefore convict, shall forfeit 400 lbs. of Tobacco. The like fine upon those who shall provoke any of the Loyal party, by ill language, &c.

1673.—Captains of Foot and Horse, shall take a strict account of what Arms are wanting, and represent the same to the Colonel, and he to the County Court, under penalty of 1000 lbs. of Tobacco for a Captain, and 2000 lbs. of Tobacco for a Colonel.

1676.—The allowance of every Burgess for the future, shall be 120 lbs. of Tobacco and cask per day; to commence two days before every Assembly, and continue two

days after. And for their traveling charges, there shall be allowed to those that come by land 10 lbs. of Tobacco per day for every Horse so used. And for water passage, proportionable are set forth and ascertained.

1679.—The first offence of Hog stealing, shall be punished according to the former law; upon a second conviction, the offender shall stand two hours in the Pillory, and lose his Ears; and for the third offence he shall be tried by the laws of England, as in case of Felony.

1680.—No licensed Attorney shall demand or receive for bringing any cause to judgment in the General Court, more than 500 lbs. of Tobacco and cask; and in the County Court 150 lbs. of Tobacco and cask; which Fees are allowed him without any pre agreement.

If any Attorney shall refuse to plead any cause in the respective Courts aforesaid, for the aforesaid Fees, he shall forfeit as much as his fees should have been.

1680. If any negro, or other slave, shall lift up his hand in opposition against any Christian, upon due proof by oath of the party, he shall have 30 lashes, on the bare Back, well laid on.

BLUE LAWS OF BARBADORS.

1699.—All persons inhabiting this Island are strictly charged and commanded in his Majesties name, to conform themselves to the government and discipline of the Church of England, as the same hath been established by several Acts of Parliament; which acts the Ministers of every Church are required to read publicly in their several Churches, that all persons may know their duty.

All Justices of the Peace, Church Wardens, and other officers that may give furtherance to the execution of said Acts, are required in his Majesties name, to do their endeavour therein, to the utmost of their power.

All masters and overseers of Families, shall have prayers openly said or read every morning and Evening in his Family, under penalty of 40 lb. of Sugar, half to the publick Treasurer, half to the informer.

Masters of Families that live within two miles of their parish Church, shall duly repair thither with their Families, twice a day on the Sabbath; if above two miles, then once a month.

If a servant make default in repairing to Church, the Master, (if he was the occasion) shall forfeit 10 lbs. of cotton; if the neglect be in the servant, he shall be punished at the discretion of the next Justice.

Constables, Church Wardens, and Sidesmen, shall every

Sunday, in time of Divine Service, search Taverns, Ale houses, &c., and if they find any drinking, or otherwise misdemeaning themselves, they shall apprehend them, and set them in the stocks for the space of four Hours, unless every such offender pay 5s. for the use of the poor.

Whosoever shall swear, or curse, shall pay down, if a Freeman, 4 lbs. of Sugar; if a Servant, 2 lbs. of Sugar, or be put in the Stocks. This Statute not to take away the masters power in correcting their servants for such offences.

EXTRACTS

FROM THE

BLUE LAWS OF MARYLAND.

1699.—If any person whatsoever, inhabiting within this province shall Blaspheme, that is curse God, deny our Saviour to be the Son of God, or deny the Holy Trinity, or the God head of any of the three persons, or the unity of the God head, or shall utter any reproachful words or Language, concerning the Holy Trinity, or any of the three persons thereof, he or she shall for the first offence, be bored through the tongue and fined 20£ Sterling to the King, towards defraying the country charge where the offence was committed. Or if the party hath not an Estate sufficient to answer that sum, then to suffer 6 months imprisonment. For the second offence, he or she shall be stigmatized in the Forehead with the letter B, and fined 40£ Sterling to the uses aforesaid, or imprisonment for one whole year. And for the 3d offence, he or she so offending, and thereof legally convicted, shall suffer Death, with confiscation of all their Goods and Chattels to the King.

Every person convicted of Fornication, shall for every time so offending, be fined to the King 20s Sterling, or 400 lbs. of Tobacco, or receive corporal punishment, by whipping at the discretion of the Court, not exceeding 39

lashes. And every person convicted of Adultery shall be fined 40s Sterling, or 800 lbs. of Tobacco, or receive corporal punishment as aforesaid.

Every person who shall harbour, entertain or provide for the maintenance of any lewd women, or frequent the company of such, after publick admonition by the Minister or Church Wardens, or Vestry of the Parish, shall for every such offence, undergo such pains and penalties, as by this act are provided against those who are convicted of Fornication or Adultery.

If any person prophanely swear or curse in the hearing of any one Justice of peace, or head officer of a Town, or that shall be thereof convicted by the oath of one witness, before any one Justice, or the head officer, or by the confession of the party, he shall forfeit 5s. Sterl. to the King, to the use of the poor of the County, to be levied immediately by warrant from such Justice or head officer, to the Constable, or other person directed, and in case any person shall refuse to execute the command or warrant of such Justice, &c., he shall forfeit and pay 5s.

1700.—Every person legally convicted of stealing, by the testimony of one or more sufficient witnesses, not being the party grieved, shall be punished by paying four fold the value of the goods stolen, to the party grieved, and by putting in the Pillory, and whipping so many stripes as the Court shall judge, not exceeding 40.

The second offence of stealing above the value of 12 pence shall not be tried and determined in the County Court, but the party shall be proceeded against in the Province Court, as a Felon, according to the laws of England,* and the transcript of his former conviction. And the presentment of, transmitted from the County Court, &c, under the penalty of 100 lbs. of Tobacco.

* Death.

He that shall kill any unmarkt swine above 3 months old, not upon his own land, or in company with his own stock, is hereby adjudged a Hog stealer, and shall restore 4 fold and suffer corporal pains as in this act above mentioned.

This act shall be publickly read 4 times a year in every parish church, under the penalty of 100 lbs. of Tobacco to the King for the use of such parish, to be paid or recovered of the Clerk or reader so neglecting.

All Ministers, Pastors, and Magistrates, who according to the laws of this province do usually Joyn people in marriage, shall Joyn them in manner and form as exprest in the Liturgy of the Church of England; after which the Minister, Pastor, or Magistrate shall say, I being hereunto by law authorized do pronounce you lawful man and wife. The Minister, pastor, or Magistrate, may receive from the parties marry'd 100 lbs. of Tobacco.

1699.—Every ordinary keeper that shall demand or take above 10 lbs. of Tobacco for a Gallon of small Beer, 20 lbs. of Tobacco for a Gallon of Strong Beer, 4 lbs. of Tobacco for a night's lodging in a Bed, 12 lbs. of Tobacco for a Peck of Indian Corn or Oats, 6 lbs. of Tobacco for a night's Grass for a Horse, 10 lbs. of Tobacco for a night's Hay or Straw, shall forfeit for every such offence, the sum of 500 lbs. of Tobacco, half to the King, half to him that shall sue, &c.

Every ordinary keeper or Innholder, shall within six months after licenced, provide and maintain (if living at a County Court House, or at Annapolis, or Williamstadt) 12 good Beds, more than for his own Family's use, with stabling and provision for 20 Horses at least. And if such Ordinary be kept in any other part of the County, then he shall be provided with 4 spare Beds, and stabling and provision for 6 Horses at least, under the penalty of 500 lbs of Tobacco, as aforesaid. Provided no Ordinary Keeper, shall be a Justice of Peace, Commissioner in any County

Courts, or Mayor, Recorder, or Alderman of St. Mary's, during the time of their Keeping Ordinary.

If any Ordinary Keeper, keep evil Rule in his House, the Justices of the County Court shall upon complaint, call in his licence and suppress him.

He that keeps Ordinary without Licence, or after he hath been suppress, shall forfeit 2000 lbs. of Tobacco for every month, one half to the King, the other to him that shall sue for the same.

No Inhabitant of this Province, shall sell without Licence, any Syder, Quince drink, or other strong Liquor, to be drunk in his or her House, upon penalty of 1000 lbs. of Tobacco, for every conviction, half to the King, half to the informer.

No Ordinary Keeper, shall refuse to credit any person capable of giving a Vote for election of Delegates in any County, for any accomodations by him vended, to the value of 400 lbs. of Tobacco, under the penalty of 400 lbs. of Tobacco, one moiety to the King, the other to the informer.

1700.—The Book of common prayer, and administration of the Sacraments, with other rites and ceremonies of the Church of England, &c. shall be solemnly read by all the Ministers in the Churches and other places of worship in this province.

For the encouragement of able Ministers to come and reside in this Province, instead of Tithes a tax or assessment of 40 lbs. of Tobacco per pole, shall be yearly levied upon every taxable person in every parish in this province. Which said assessment shall always be paid to the Ministers of every parish in manner hereafter expressed.

The Sheriff of every County shall collect the aforesaid 40 per poll, of the several persons in their respective Counties, in such manner as the County levies collected, and pay the same to the Vestry of every parish, where there is no incum-

bent, but where there is an incumbent it shall be paid to him ; each Sheriff deducting 5 lbs. of Tobacco per cent. and no more for collecting.

In every parish, where any Minister or incumbent shall reside, no Justice or Magistrate shall Joyne any persons in marriage, under the penalty of 5000 lbs. of Tobacco to the King.

In any action commenced by a Vestry for the benefit of a parish, they shall not be obliged to pay Fees or costs of suit, unless they recover in the same action nor pay the Defendant Costs in case the Vestry be cast.

ANCIENT LAWS OF NEW YORK.

At an Assembly at the City of New York, 1693.

The Preamble; Whereas prophaneness and Licentiousness hath of late overspread this province, for want of a settled Ministry, whereby the ordinance of God, may be duly administered: Tis Enacted,

That in each of the cities and Counties hereafter named, there being called, induced and established one good and sufficient protestant Minister, within one year next after the date of this Act; viz, in the City of New York one,—in the county of Richmond one, Westchester two,—in Queens County two,—And for the encouragement of the Ministers, there shall be paid to the respective Ministers as follows. For the City of New York, one hundred pound per An. For the two precincts of Westchester, one hundred pound per An. for each; 50 shillings to be paid in Country produce, at money price.

For the County of Richmond, forty pounds per An. in Country produce at money price.

For the two precincts of Queens County; one hundred and twenty pounds to each; sixty pounds in Country produce, at money price.

At a sessions held at the City of New York, Oct. 6, 1694, in the 6th year of William and Mary, present the Mayor,

Recorder, Aldermen, and Assistants of the Common Council.

For the better preservation of the Lords day, no servile work to be done, or any goods bought or sold on the Lords day, under the penalty of ten shillings the first offence, and double for every subsequent offence.

The Doors of Publick Houses, to be kept shut, no company to be entertained in them, or any sort of Liquor sold in time of Divine service; Strangers, Travellers, or such as lodge in such Houses excepted; also no person to drink excessively, or be drunk, the penalty 10s. for every offence.

No Negro or Indian servants to meet together, above the number of four, on the Lords Day, or any other day, within the City liberties; nor any slave to go around with Gun, Sword, Club, or any weapon, under penalty of ten lashes at the publick whipping post, or to be redeemed by his master or owner, at six shillings per head.

One of the Constables in the five wards on the south side the fresh Water, by turns to walk the streets of the city, in time of Divine Service, to see these laws observed, and to have power to enter into all publick Houses to put the same in execution.

The Constable to make enquiry after all strangers, and give in their names to the Mayor, or in his absence to the eldest Alderman, no keeper of publick house &c, to entertain or lodge any suspected person, or men or women of evil fame, both these heads under penalty of 10s. for each offence.

No person to keep shop or sell any goods by retail or exercise any handy-craft trade, but such as are Freemen of the City, under penalty of 5s. every offence.

Twenty four car men are appointed and allowed by the Mayor, and Court of Aldermen, and more may serve in that

capacity for hire wages, but such as are so allowed, on penalty of 20s. two of the four and twenty to be the foremen.

The car-men so appointed, are to repair the pavements of the streets, and highways, in and about the city at their own charges, on pain of being turned out.

No car-men to ride on the cars in the streets, on penalty of six shillings, one John Lonstraw excepted, prices of carriage settled by this law, and car-men not to demand more for a Load to any place within the Gates of the City three pence half-penny, except for Wine, Lime, Pantiles, Bricks when piled in the Cart; which because of the trouble of unloading, they are allowed 6 pence per Load.

For cord wood from the Boat to the place of cording, and after corded to the owners House, 1s. 6d., if not desired to be corded, 1s. only.

And for every Load of Goods or Cord of Wood carried without the Gates, viz. beyond the Maiden pull or Smith's fly in Queen Street, double price.

A load to be accounted as much as can conveniently be laid on their Carts, or is reasonable for one Horse to draw.

All Jesuits, Seminary Priests, Missionaries, or other Ecclesiastical person, made or ordained by any power or Jurisdiction derived or pretended from the Pope, or see of Rome, residing or being within the Province, to depart the same, on or before the first of Nov. 1700.

If any such continue, remain, or come into the Province, after the said first of November, he shall be deemed an Incendiary, a disturber of the publick peace, an Enemy to the true Christian Religion, and shall suffer perpetual imprisonment.

If any such person, being actually committed, shall break Prison and escape, he shall be guilty of Felony, and if retaken shall die as a Felon.

Persons receiving, harbouring, succouring, or concealing any such person, and knowing him to be such, shall forfeit

the sum of 200 pounds, half to the King, for and towards the support of the Government, and the other half to the prosecutor, shall be set in the Pillory three days, and find sureties for their behaviour, at the discretion of the court.

Any Justice of peace may cause any person suspected to be of the Romish Clergy to be apprehended, and if he find cause, may commit him or them, in order to a trial.

Any person, without warrant, may seize, apprehend, and bring before a Magistrate, any person suspected of the crimes above, and the Governor, with the Council, may suitably reward such person as they think fit.

SOUTH CAROLINA.

SETTLEMENT OF THE CHURCH AT CHARLESTOWN.

Whares by the grant of King Charles the Second, the Lords proprietors, it is expressly provided that no Religious ministry, except the Church of England, should have any publick maintenance.

His Excellency, the Palatinate, and the rest of the Lords proprietors, in their rule and instructions of Government, ordered, that the ministry of the Church of England should accordingly be established, and no other.

pursuant to these provisions, the commons assembled for the province of South Carolina, Enacted—

That so much Land be bought in or near Charlestown, not exceeding the value of 140 pounds, in such a place as the commissioners named in the act shall appoint; and thereon to be built a House or Houses, within twelve months after the date of the act, and the ground to be paled in or fenced about, all as the said commissioners shall direct, the which shall not exceed 350 pounds, to be paid out of the publick treasury; there shall also be bought one healthy Negro Man Servant, and one Negro Woman Servant, four Cows, and four Calves, to be paid out of the publick Treasure.

The said Land, House or Houses, Servants and Cattle, are appointed to be for the use and benefit of such Minis-

ter of the Church of England, as the major part of the Inhabitants of Charlestown and the neck between Cooper and Ashley River, as far up as John Pride's plantation on Coopers River, and Chr. Smith's plantation for Ashley River, inclusive, which are qualified by law, *no members of the Assembly, and as are of the Church of England, shall choose and approve of.*

The receiver General for the time being, shall, over and above the said House, Servants, and Cattle, pay to the said Minister one hundred and fifty pounds per Annum, in Dollars or Spanishes pieces of Eight, not weighing less than thirteen pennyweight, at 5s. per piece, viz. 50s. every 4 months.

Samuel Marshall nominated the first Minister, during his life, or so long as he shall think fit to continue in the Colony, and serve in the said Ministry.

Goods distrained for this tax, shall be sold in three days by publick outcrys in Charlestown, and the overplus, the tax and charges first paid, to return to the owner.

The following are the facts related by the signers of the annexed Journal, it being the first diplomatic embassy in this country, at a period when the two Colonies were independent of each other.

TRANSLATION OF THE JOURNAL OF THE DUTCH COMMISSIONERS (OF N. YORK) TO HARTFORD,
ANNO D. 1663.

Journal kept by the Commissioners, Cornelius Van Ruyven, Burgomaster Vun Cortlandt, and Mr. John Lawrence, Citizen and Inhabitants of the City of New Amsterdam, on their voyage to Hertford.

ANNO 1663, on the 15th of October, being Monday. At Sun rising, we departed with the yatch of Dirh Smith, the Wind being contrary; we came, however, with that Tide as far as the Varkens or Hog's Island, and as we could not, by reason of the strong ebb, advance any farther with rowing, we cast anchor and went on shore. The Sailors fetcht Ballast. The Ebb being spent, we weigh'd anchor; at low water got thro' Hell-Gate, and by luffing and rowing came as far Minnelley's Island, where the Tide stopt again.

16 Do. Early in the Morning we weigh'd Anchor again, the wind being still contrary. The Tide stopt near Oyster bay. The wind being pretty good in the afternoon, we got sight of Stratford point. The wind shifted, and the Tide being spent, we cast anchor.

17 Do. Early in the morning we were again under sail with a good Tide, and a contrary wind; nevertheless by

luffing and rowing, we made Milford between 8 and 9 o'clock, where we immediately addressed ourselves to Mr. Bryan, Merchant, begging the favor of him to provide three horses for us to ride to Herford; with which he undertook to do, and said that he purposed to go there himself. In the mean time we went to pay our Compliments to the Magistrates, Mr. Treat and Mr. Penn, but found neither of them at home: afterwards Mr. Treat came to us in the Inn; after mutual compliments, we acquainted him with the reason of our coming, and journey to Herford, requesting him to take our yatch, which we left in the harbour, under his protection till our return, in case any *Privateers*, which we understood hovered about there, should attack it, which he accepted of; we also recommended the same to young Mr. Bryan. In the mean time we understood that no more than two horses could be had, unless a young man who came from Herford would let us his. The young man being called, we agreed with him for the hire of his horse for fourteen English shillings, but when the horse should be delivered, he receded from his Bargain; being asked why, since we were absolutely agreed, he would hardly explain himself; but said at last, he feared his people at Herford would take it amiss of him for assisting those who were their enemies,—which was taken amiss by the Magistrates who was present, who told him that according to agreement he must deliver his horse, which he finally did, but with reluctance. After dinner, the horses being ready, he mounted and rode to Newhaven, where we arrived an hour or two before dark. The horses being taken care of, we waited upon the Deputy Gov'r, Mr. Gilbert, but did not find him at home. We staid that night at Newhaven.

18 Do. being Thursday, We departed from Newhaven at Sun Rising, in Company with Mr. Bryan, Merchant of Milford, and Mr. Poll, and came at Herford about four o'clock, where being informed that the Governor and Courte were assembled, we thought proper in order to lose no

time, to acquaint the Assembly with our arrival, and at the same time to request a hearing: which being done, we received in answer, that we might come in now if we pleased, or defer it till to-morrow morning; we desired to be admitted immediately, which was agreed to. After friendly salutations we delivered the letter we had brought with us, which being read, we added that in case the Gov'r and the Court wanted any farther explanation of any of the points contained in it, that we were ready to do it, either to the whole Assembly, or to a Committee, to which no direct answer was made, only that they would look over it. Having seriously recommended this matter to them, we took leave; in taking leave, we were told by the Deputy Gov'r, Major Mason, that a room was provided for us at the house of their Marshal, whither they requested us to go, which we thankfully accepted of.

19 Do. In the Morning early, before the Assembly was convened, we paid a visit to Mr. John Winthrop, begging the favor of him to do his utmost endeavor to remove all misunderstandings, and that every thing might be transacted in peace and unity, which he promised to do; upon which we asked him what was done on the Delivery of the Letter; he said he could not tell, as he went out of the Assembly immediately after we did, being indisposed, but believed that the Court had appointed a Committee to transact business with us. As we could learn nothing material from him, and the time of meeting drawing nigh, we took leave, and presented to the Assembly the following address:

*To the Honorable the Gov'r and the Committee of THE
Council of the *COLONY OF HARTFORD.*

These few lines shall serve to thank your *honours* for your *kind reception* of us, and of the Letters delivered by us,

* Hartford was in the Colony of Connecticut.

friendly requesting your catagorical to the same, that we may know farther to conduct ourselves ; in the mean time we remain, &c.

Which being carried in, we were told by the Marshal, that three persons were appointed to speak further with us, who would meet within an hour at the house of Mr. Howard Miller, being about half way between our Lodgings and the Town Hall, with request that we would also be there at that time, to which we agreed, and went there at the appointed time ; after waiting there about an hour in vain, the Marshal came and told us that the Committee had been hindered by some other business intervening from waiting on us, and as it was almost noon, that the Gov'r and Court beg'd the favor of us to dine with them in the Town Hall, to which we *answered*, that it appeared strange to us that the gentlemen of the Committee excused themselves, as they had appointed the time ; that nevertheless we should come where we were invited. In a short time thereafter, the Deputy Governor and Secretary came to excuse the Committee, as some business had happened, in which their presence was required, which we put up with. After some discourse, we went with them to the Town Hall. After dinner, we desired that our business might be forwarded : upon which the persons who were appointed as a Committee, promised to follow us immediately to the aforesaid place, as they did : after some discourse little to the purpose, and being seated, we showed our Commission, with request that they would do the same ; to which they delivered in an extract, as they said, out of their minutes, in which they, to wit, Allen, senior, Capt'n Joel —, John Allen, Jun'r, were qualified to treat with us, adding that the shewing a Commission was superfluous, as we had been informed ourselves by the Court, that they were appointed for that purpose ; upon which we let that matter drop also, and asked whether they would be pleased to make answer to the propositions contained in the letter we

had delivered, to which they replied that they would fain be informed in a summary manner, what the propositions were, to which we required an answer ; we said that they were briefly contained in the afores'd letter, (to wit.)

1st. That we desired to know whether they would be pleased to conform themselves to the advice of the other three Colonies, containing in substance that every thing with respect to the limits should remain as was agreed upon in the year 1650, till the next meeting of the Commissioners in the year 1664.

Secondly ; or else that they would be pleased to appoint some persons to treat farther about the limits now in dispute.

3dly. If not, that the matters should then be referred to our superiors in Europe, on condition that every thing should remain in the mean time as was agreed to in the year 1650. Many debates arose pro and con on the aforesaid points, in as much that the whole afternoon was spent without affecting any thing, the substance of which were as follow :

To the first ; That they could not conform themselves to the advice of the aforesaid Commissioners for the following reasons.

1st. That they had already given notice of their patent and of the Kings grant on Long Island.

2dly. That they, at least the greatest part of them, had voluntarily betaken themselves under their government.

3dly. That they neither could, nor dared refuse it, (if they would not incur the King's displeasure,) as the same were included in their patent, to which they further added that though the fixing of the limits should be deferred to the next meeting of the Commissioners in the year 1664, that they were not to regulate themselves by the advice of the Commissioners, nor of the other Colonies, but by the King's patent, and that in case the Commissioners should do any thing contrary to it, that they would much rather

separate themselves from the other Colonies, as they would never permit any thing to be done contrary to it, or any change made in it, than by his Majesty himself, as those who would make any change or alteration in it would put themselves above and Lord it over his Majesty.

Whatever we alledged against this, that his Majesties meaning was not to give any thing away which had already been so long possessed by others. Also, that it could not be proved out of the Patent, &c., was in vain: but they persisted in this groundless opinion. To the second point, they made no direct answer, only proposed by way of questioning whether the General had sufficient qualification from the Prince of Orange, and the States Gen'l.—To which we answered that the Commissioner of the States General sufficiently qualified the General for that purpose, dropt that Point and proceeded.

To the third to which they answered that they were willing that the matters should be referred to our mutual superiors, on condition that the English Townships on Long Island and Westchester, should, by proviso, be under the Government of Herford, this being thus proposed, the old Mr. Allen made a long Harangue, being to this effect, that he was well assured that the English Townships would no longer remain under the Dutch Government, and in case we should compel them that they were resolved to defend themselves to the uttermost, that he was therefore of opinion that it would be more to our advantage to prevent farther mischief and bloodshed, that the s'd Townships should remain under the Government of Herford till such time as his Majesty and the States General should be agreed, (to wit,) those who had formerly submitted themselves to their Government.

To which we answered, that it would now nor never be allowed. They replied that for the present they could not act any farther with us, nor hinder the aforesaid Townships from betaking themselves under the obedience of his Ma-

jesty. We answered that they were the cause of it, since they had by different Deputations encouraged and excited the Townships to it. They replied, that they were bound to make the Kings grant known to them. We answered that they might do it to the Kings subjects, but not to the subjects of their High Mightiness's and the Company. To which they again replied that they were subjects of his Majesty, as they dwelt according to the Patent upon the territories of his Majesty. Upon which proposition we asked them in what light they looked upon the provisional settlement of the Limits in the year 1650, they answered absolutely as a nullity and of no force, as his Majesty had now settled the limits for them, the other being only done provisionally, &c. Whereupon we again appealed to the advice of the other Colonies, to which they answered that they, (to wit, the other Colonies,) could make no alteration unless they assumed to themselves an equal authority with the King, saying that in that respect they had nothing to do with the other Colonies.

The time being spent with many such like propositions and answers without affecting any thing, we concluded from all these circumstances, that the doings of Richard Mills, at Westchester, of Coo. Pantom and others on Long Island, were done and put in execution at their Instigation, and that they now only sought to put a spoke in the wheel, and kept matters in agitation till such time as the Townships (whose Deputies, namely of Westchester, Middleburgh, and Rustdrop, we dayly saw here before our eyes, have free access to the principal men,) revolted, as they openly declared that in case the Townships who had freely betaken themselves under their Government and protection, should ask assistance, that they could, nor might not deny it them. All which matters being duly considered by us, and moreover, that if we should depart without reducing things to some certainty, the English Townships on Long Island, would apparently be revolted before our arrival at

the Manhatons, to prevent which and the danger, which might ensue therefrom, and to shew that we would contribute as much as possible to prevent bloodshed, we resolved to make the following proposal as the last, (to wit,) that if they would firmly and faithfully keep the provisional settlement of the limits made in the year 1650, till such time as his Majesty and the High and Mighty States General, were agreed about the Limits, and would not presume to take any of the English settlements belonging to this Government, under their protection, nor assume to themselves any Jurisdiction over the same, that we on our part would in like manner till that time assume no Jurisdiction over Oostdurp, otherwise called Westchester, to which we added that if they would not acquiesce in this our proposal, (as having now contributed all possible means in our power, to settle peace and unity) that we declared ourselves and our Constituents innocent before God and Man, of all calamities which should arise from their unjust proceedings. After a few debates little to the purpose, and it being now late in the evening, they said that they would consider of the proposal made by to-morrow morning, of which they took a copy.

20th October.

Between 8 and 9 o'clock, according to appointment, the above mentioned Gentlemen of the Committee, come to our Lodgings. We went with them to the aforesaid place at the house of Mr. Howard; after some Introductory Discourse we asked them whether they had considered of our proposal, and what their answer was to it. After some frivolous Exceptions that the English on Long Island, would not stand under us, and that if we should compel them to obedience it would be the cause of much Bloodshed, they expressly said that they could not agree with us, unless the English Townships, (viz. Oostdurse, Middleburgh, Rust-

durp and Hamstede were under their Government, with which if we would comply, they would defer the matter, and not proceed further till another Convention, but that we in the mean time should not in the least interfere to exercise any Right of Jurisdiction over them, and if we could not, that they also could not hinder the aforesaid Townships, (being by His Majesty of England included in their Patent) from betaking themselves under their protection, and consequently that they should be obliged to defend them in case they were attacked. To which we answered that His Majesty, had more Discretion than to include the subject, and Lands of their High Mightiness, which they had possessed for so many years in their Patent: that it was erroneously thus explained, that the Patent contained a Tract of Land lying in America, in New England, and consequently not in New Netherland; that Gov. Winthrop had declared in the Hearing of us all that it must be so understood; and that it must be understood in this case like Boston Patent, in which it is expressly mentioned, on condition that the lands shall not before have been possessed by any Prince or Potentate. Long Island being now so many years possessed the subjects of their High Mightinesses, that they could not by, reason thereof claim any Right or Title to it. In short what amiable Proposals and Inducements soever we made use of, we could not proceed any farther with them. In the mean time, it being noon we were again desired by the Governour, together with the Gentlemen of the Committee to dine with him, which we did; after Dinner we complained to the Gov'r and the Gentlemen of the Committee, that we did not advance in our business with the Committee; on account of their unreasonable and unanswerable Demands, as giving up our Right to the English Townships, &c. We desired therefore of them that they would be pleased to answer us on the Letter delivered them, and to the Neighbourly and friendly propositions contained in it, which they

promised to do, but nothing was concluded upon this Afternoon as it was Saturday, and some of the Committee being obliged before Dusk to go to Windsor and Weathersfield.

21 Ditto. Sunday *We* went to Church, and Supt in the Evening with the Gov'r, after Supper, being in Discourse with His Excellency, among other things he expressly declared that the Intent of the Patent was by no means, to claim any Right to New Netherland but that it only comprehended a Tract of Land in New England, &c. *We* Beg'd the Favour of his Excellency to indulge us with such Duberation in writing that we might avail ourselves of it, but he declined it, saying that it was sufficiently plain from the Patent itself; we said that a different Construction was put on it by others, and that such Duberation would give much opening. But as we observed that the Gov'r still abode by his first saying, after some more Discourse we took leave.

22 Ditto. Monday *We* desired by the Marshall an answer in Writing to the delivered Letter, and the propositions contained in it, which was promised us. *We* dined with Mr. Wees,* whose Father had been Gov'r of Herford. Nothing was done this day, as we expected the promised answer, but did not receive it.

23 Ditto. Tuesday Morning, we were told that the aforesaid Committee would meet us at Mr. Howards. *We* went there. The aforesaid Committee being also come, we demanded an answer in Writing to the propositions contained in the delivered Letter, they said that they were come once more to speak with us about the aforesaid Townships, as they had endeavoured to persuade the Deputies of the aforesaid Townships to remain quiet under our Government, till farther Determination, but that they would not consent to it;—That it would therefore be best for us not to claim them to prevent farther mischief. *We* answered that those of Herford were the cause of it, as they had by

* Mr. Welles.

frequent Deputations, drawn the subjects of their High Mightinesses from their Oath and Allegiance and had encouraged them to revolt, &c. Which was not denied by them, but said it was so now, and we would fain have them remain quiet; but what can we do now, they are comprehended in our Patent and desire to be received and protected by us, which we cannot deny them; much was said against this, that they were not included in the Patent—that the patent mentioned a Tract of Land in New England and not in New Netherland;—that the Gov'r understood it so himself; they answered, the Gov'r is but a man alone. We understand it so, and more besides us, and that our patent not only takes in that, but extends Northward to the Boston Line, and Westward to the Sea. We asked them in case there was another Royal Patent between, where New Netherland would then lay—they answered without hesitation that they knew of no New Netherland, unless we could shew a Patent for it from His Majesty. We said that we had no need of a Patent from his Majesty. They replied that they were willing to agree with us if we could shew a Patent from any Prince or from their High Mightinesses, by which such a Tract of Land was given.

We appealed to the Charter and to the approbation of their High Mightinesses of the provisional settlement of the Limits made at Herford in the year 1650. They answered that the Charter is only a Charter of commerce, and the said settlement of the Limits was only conditional, &c. If you cant show a special patent for the Land, it must fall to us. We said that the Right of their High Mightinesses was indisputable, as appears by the first Discovery—The Purchase from the Natives—The oldest Possession, &c. They answered, that they would let us keep as much as was actually possessed and occupied by our Nation, but that we could not hinder them from possessing that which was not occupied by our nation. Many objections were made to this, that the possession of part was taken for the

possession of the whole, &c. But it availed Nothing, they said we had no Right to hinder them from possessing unlocated Lands, as they were comprehended in their Patent, and we could show no Patent from any Prince or state. After many Debates, pro and con, we asked them how they would have it for the present, as they had not as yet answered to our Reasonable Proposals. In the mean time, it being noon, they promised after Dinner to acquaint us with their meaning; whereupon we went with them to the Town Hall; but before we got there, a few Propositions were shewn us, by Young Wallen, and Emen Hillits, a Magistrate of Hartford, containing in substance, that if we would give up all Right and Title, first to Westchester, with all the Lands as far as Stanford, and farther divest ourselves of all authority and Jurisdiction over the English Townships on Long Island, that they would then agree farther with us. As these propositions were full of Blots, (it being the royal draft) we desired that the same might be copied fair, which they undertook to do. In the mean time we dined; after Dinner, we desired that they would expedite matters, as we had been there so long without effecting anything; upon which they promised to make an End at present. After some Talk, the following unreasonable Articles were delivered to us.

1st. That Westchester and all the Peoples Lands between that and Stanford shal belonge to the Colony of Connecticut till it be otherwise issued.

2nd. That Connecticut wil forbear exersiseinge any Authority over the Plantations off Heamstede, Jamecoe, &c., until the case be further considered, provided the Dutch will forbear to exercise any Coercive Power towards any off the English Plantations upon Long Island until there be a Determination off the Case.

3d. It is also agreed that the Issue of these Differances shal be by our mutual Accord, or by a third Person or Persons, mutually chosen by us, or by our superiors in

Europe, and that the Magistrates now in Beinge one Long Island, in those Plantations, shal govern those said Plantations until there be an Issue off these Differances as aforesaid.

4th. That all and every Person on Long Island shall be wholly indemnified for all passages and the Transactions respecting these Affairs to this Day.

“That we mutually advice all Persons concerned, both English and Dutch, to carry it peaceably, Justly and friendly, each to other.”

The above Propositions being read by us, we answered that they were wholly unreasonable and unanswerable for us to condescend to. We desired that if they would desist from their Pretensions to the Townships on Long Island, situate within our Government, that we would then express ourselves on the other Points, but to no Purpose; they said as before, that they could not refuse receiving these Townships and of defending them against all Persons whatsoever, which they said they would also do, &c. Seeing that we did not advance, but to prevent further anticipations and mischief, and being minded to fix something certain of which we had no Prospect unless we made some Concessions, we resolved for the Reasons aforesaid, and to prevent further mischief, to make the following offer.

Westchester, with the Land and People to Stanfort, shall abide under this Government off Connecticut til the time that the Bounds and Limits betwixt the abovesaid Colony and the Province of the New Netherland shall be determined here by our mutual accord, or by Persons mutual chosen, or by his Royal Majesty off England, and the High and Mighty Estates General off the United Provinces. The Plantations off Middleborrow, Rustdorp, and Hamstede, the which are said to revolt and to come under the Colony off Connecticut, shall absolutely abide under the Government off New Netherland till the aforesaid Determination,

and that the Magistrates for the time beinge on Long Island, in those Plantations, shall govern those said Plantations under the said Government until there be an Issue off these Differances as aforesaid.

“That all and every Person one Long Island shall be wholly indemnified for al Passages and Transactions respecting these affairs to these Day.

“That we mutually advice all Persons concerned, both English and Dutch, to carry it peaceably, just, and friendly each to other.

“That both Parties in Differance, namely, Connecticut Collony, and the Governour and Counsel off New Netherlands, shal be Ingaged to use their utmost Endeavours to promote and accomplish the Issuinge off the above Differances.”

Being at our Request admitted within, and having delivered the above Propositions which they read, we were answered by some of them, that whether we proposed it or not, the afores'd Townships would nevertheless not continue under us; others said that they knew of no New Netherland Province, but of a Dutch Governor over the Dutch Plantation on the Mannhattans. That Long Island was included in their Patent, and that they would also possess and maintain it, and more such like Discourse.

To the *First* was answered, that we were assured they would continue under our Government, if Herford Colony did not claim a Right to them.

To the other, that they had in the making of the conditional Settlement of the Limits in the year 1650, acknowledged the Province of New Netherland, &c. But observing we made no progress with them, we desired that the matter might remain as it was at present, till a farther Determination of his Majesty and the States General. To which they answered, that his Majestys Patent fixt the Limits, and if we could not acquiesce in it that then noth-

ing could be done; but if we would sign them that they would then treat farther with us. As we deemed such Compliance wholly unanswerable for us, we desired if they purposed, to make any answer to the Letter we delivered, that they would not delay it, as we intended to depart early the next Day and acquaint the General and Council of New Netherland with the Treatment we had met with, they answered that they would have one ready. After begging of them to take the matter into serious Consideration, and endeavour to continue every Thing in Peace and Unity, till such Times as His Majesty and the States General should determine the Limits, we took Leave. This happening in the Afternoon, we went to them again in the Evening to know whether the Letter was ready. We were answered that it would be bro't to our Lodgings, and as we were resolved to depart the next Day early in the Morning, we took Leave of the Assembly, as we also did of the Gov'r to whome we complained that nothing more was done on our Reasonable Proposals. To which his Excellency answered that it was so concluded upon in the Assembly, and that he wished something had been fixed upon, we answered that we had done every thing in our Power to effect it. After some Compliments, we took Leave. In the Evening a Letter was delivered to us with this Superscription. *These for the Right Honorable Peter Stuyvesant, Director General at the Manados.* We said to the Secretary who brought the Letter, that it ought to be Director General of New Netherland, who answered that it was at our option to receive it or not, &c.

24 Ditto. Wednesday, as we were obliged to wait some time for one of our Horses, we departed between 8 and 9 O'clock from Herford, and came about sunset at New Haven.

25 Ditto. Thursday Morning we went from New Haven, and came about 10 o'clock at Milford. Towards Evening,

the Tide serving, we went on Board our yatch, and got out of the Creek, where we cast Anchor, it being verry dark.

26 Ditto. In the Morning, about two hours before Day Break, we weighed Anchor, with a fair Wind, and came in the Evening between 8 and 9 o'clock at Manhatans.

C. V. RUYVEN,

C. STEVENS V. CORTLANDT,

JOHN LAWRENCE.

**A BRIEF EXPOSITION
OF THE ESTABLISHED
PRINCIPLES AND REGULATIONS
OF THE
UNITED SOCIETY OF BELIEVERS, CALLED
SHAKERS.**

BY THE COMMITTEE OF PUBLICATION.

EXPOSITION.

“Many erroneous opinions are entertained concerning the people generally known by the name of Shakers, which are calculated to mislead the public mind, in respect to the true character of this *Society*. Many false reports and incorrect statements have been circulated respecting the principles and practice of the Society, which have no foundation in truth. With a view to correct these erroneous opinions, and as far as in our power, to remove prejudices and false impressions, we are induced, from a sense of duty, to lay before the candid public, a brief statement of facts respecting the principles, government, temporal order, and practical regulations of the Society. This duty we owe to

ourselves and to our fellow creatures, for the correct information of the public, and the benefit of all concerned; that all who are governed by the spirit of candor, and wish to know the truth concerning these things, may no longer depend on the vague and inconsistent reports in circulation, from which they can gain no correct knowledge nor just information."

FAITH AND PRINCIPLES OF THE SOCIETY.

1. A life of *innocence* and *purity*, according to the example of Jesus Christ and his first true followers; implying entire abstinence from all sensual and carnal gratifications.

2. LOVE.—"By this shall all men know that ye are my disciples if ye have love one to another.—Love is the fulfilling of the law." This is our bond of union.

3. PEACE.—"Follow peace with all men," is a divine precept; hence our abstinence from war and bloodshed, from all acts of violence towards our fellow men, from all the party contentions and politics of the world, and from all the pursuits of pride and worldly ambition. "My kingdom [said Christ] is not of this world."

4. JUSTICE.—"Render unto every man his due.—Owe no man any thing, but to love one another." We are to be just and honest in all our dealings with mankind, to discharge all just dues, duties, and equitable claims, as seasonably and effectually as possible.

5. HOLINESS,—"Without which no man shall see the Lord." Which signifies to be *consecrated*, or set apart from a common to a sacred use. Hence arises all our doctrines and practical rules of dedicating our persons, services and property to social and sacred uses, having adopted the example of the first gospel Church, in establishing and supporting one *consecrated* and *united* interest by the voluntary choice of every member, as a sacred privilege, and not by any undue constraint or persuasion.

6. GOODNESS.—Do good to all men, as far as opportu-

nity and ability may serve, by administering acts of charity and kindness, and promoting light and truth among mankind. "Whatsoever ye would that men should do to you, do ye even so to them."

7. TRUTH.—This principle is opposed to falsehood, lying, deceit, and hypocrisy; and implies fidelity, reality, good, earnest sincerity, and punctuality in keeping vows and promises. These principles are the genuine basis of our institution, planted by its first founders, exhibited in all our public writings, justified by scripture and fair reason, and practically commended as a system of morality and religion, adapted to the best interest and happiness of man, both here and hereafter.

MANNER OF ADMITTING MEMBERS.

It must be obvious to every reasonable person, that the foregoing principles are, in many respects, very contrary to the carnal and selfish nature of fallen man, and doubtless more so than of any other religious society. Therefore there is little danger to be apprehended of any person's being flattered or inveigled into this Society, or of joining it from any other motive than purely from the operations of faith and conscience. This of itself is the most powerful guard that can be set against the deceptions so often reported to be practised by the Society in procuring members. Ineed it precludes the possibility of such deceptions to any alarming extent. To this it may be truly added, that all reasonable precaution is used against admitting any person to membership while ignorant of our real faith and principles, or of the following *General Rules*.

1. All persons who unite with this Society, in any degree, must do it freely and voluntarily, according to their own faith and unbiassed judgment.

2. In the testimony of the Society, both public and private, no flattery nor any undue influence is used; but the most plain and explicit statements of its faith and principles

are laid before the inquirer ; so that the whole ground may be comprehended, as far as possible, by every candidate for admission.

3. No considerations of property are ever made use of by this Society, to induce any person to join it, nor to prevent any one from leaving it ; because it is our faith, that no act of devotion or service that does not flow from the free and voluntary emotions of the heart, can be acceptable to God, as an act of true religion.

4. No believing husband or wife is allowed, by the principles of this Society, to separate from an unbelieving partner, except by mutual agreement ; unless the conduct of the unbeliever be such as to warrant a separation by the laws of God and man. Nor can any husband or wife, who has otherwise abandoned his or her partner, be received into communion with the Society.

5. Any person becoming a member, must rectify all his wrongs, and, as fast and as far as it is in his power, discharge all just and legal claims, whether of creditors or filial heirs. Nor can any person, not conforming to this rule, long remain in union with the Society. But the Society is not responsible for the debts of any individual except by agreement ; because such responsibility would involve a principle ruinous to the institution.

6. No difference is to be made of the distribution of parental estate among the heirs, whether they belong to the Society or not ; but an equal partition must be made, as far as may be practicable and consistent with reason and justice.

7. If an unbelieving wife separate from a believing husband, by agreement, the husband must give her a just and reasonable share of the property ; and if they have children who have arrived to years of understanding sufficient to judge for themselves, and who chuse to go with their mother, they are not to be disinherited on that account. Though the character of this institution has been much

censured on this ground, yet we boldly assert, that the rule above stated has never, to our knowledge, been violated by this Society.

8. Industry, temperance, and frugality, are prominent features of this institution. No member, who is able to labor, can be permitted to live idly upon the labors of others. All are required to be employed in some manual occupation, according to their several abilities, when not engaged in other necessary duties.

MANNER OF GOVERNMENT.

The rules of government in the Society are adapted to the different orders of which it is composed. In all (as far as respects adults,) it is spiritual; its powers and authorities growing out of the *mutual faith, love, and confidence* of all the members, and harmoniously concurring in the general form and manner of government established by the first founders of the Society.

1. The effective basis of the government so established, and which is the support of all its institutions, is the faith, voluntary choice, union, and general approbation of the members. It is an established maxim in the Society, that any member who is not reconciled to the faith, order, and government established in it, is more injurious than beneficial to it; besides the loss to himself of his own time and privilege; therefore, whenever this is found to be the case with any one, and he continues in that situation, he is advised peaceably to withdraw. As all who unite with this Society do it voluntarily, and can at any time withdraw, they are in duty bound to submit to its government. All are required by the rules of the Society to do this, or withdraw; and this we think is reasonable, as no body of people can exist in any associated capacity, unless such power be maintained in its government.

2. The leading authority of the Society is vested in a Ministry, generally consisting of four persons, including

both sexes. These, together with the Elders and Trustees, constitute the general government of the Society in all its branches; and being supported by the general union and approbation of the members, are invested with power to appoint their successors and other subordinate officers, as occasion may require; to counsel, advise, and direct in all matters, whether of a spiritual or temporal nature; to superintend the concerns of the several families, and establish all needful orders, rules, and regulations for the direction and protection of the several branches of the Society; but no rule can be made, nor any member assume a lead, contrary to the original faith and known principles of the Society. And nothing which respects the government, order, and general arrangement of the Society is considered as fully established, until it has received the general approbation of the Society, or of that branch thereof which it more immediately concerns.

3. No creed can be framed to limit the progress of improvement. It is the faith of the Society, that the operations of divine light are unlimited. All are at liberty to improve their talents and exercise their gifts, the younger being subject to the elder, and all in concert with the general lead.

4. In the order and government of the Society, no corporal punishment is approved; nor any external force or violence exercised on any rational person who has come to years of understanding. *Faith, Conscience, or Reason*, is sufficient to influence a rational being; but where these are wanting, the necessary and proper means of restraint are not prohibited.

5. The management of temporal affairs, in families holding a united interest, as far as respects the consecrated property of the Society, is committed to trustees. These are appointed by the Ministry and Elders; and being supported as aforesaid, are legally invested with the fee of the real estate belonging to the Society.

All the consecrated property comes under their general charge, together with the oversight of all public business, and all commercial dealings without the bounds of the community. But all the transactions of the Trustees, in the use, management, and disposal of this united interest, must be done in behalf, and for the united benefit of the Society, and not for any personal or private use or purpose whatever. And in all these things, they are strictly responsible to the leading authority of the Society, for the faithful performance of their duty.

It is also an established principle, that no Trustee, nor any member whatever, shall contract debts of any kind, in behalf of the Society.

ORDER AND ARRANGEMENT OF THE SOCIETY.

This community is divided into several different branches, commonly called families. This division is generally made for the sake of convenience, and is often rendered necessary on account of local situation and occurrent circumstances; but the proper division and arrangement of the community, without respect to local situation, is into three classes, or progressive degrees of order, as follows:

1. The first, or novitiate class, are those who receive faith, and come into a degree of relation with the Society, but chuse to live in their own families, and manage their own temporal concerns. Any who chuse, may live in that manner, and be owned as brethren and sisters in the gospel, so long as they live up to its requirements.

Parents are required to be kind and dutiful to each other, to shun every appearance of evil, provide for their family, bring up their children in a godly manner, use, improve, and dispose of their property wisely, and manage their affairs according to their own discretion. They may thus continue as long as it comports with their faith, their circumstances, and their spiritual improvement. But they are

required to bear in mind the necessity and importance of a spiritual increase, without which they are ever exposed to fall back into the course and spirit of the world; and they can hold their connection with the Society no longer than they continue to conform to its religious faith and principles.

Such persons are admitted to all the privileges in the Society, spiritual or temporal, necessary to give them a full understanding of all that they need to know. No control is exercised by the Society over their persons, property, nor children; but being members of a religious society, they are to be subject to the spiritual direction of their leaders, and may receive counsel in temporal matters, whenever they feel it necessary to apply for it. If at any time they desire to make a donation to any religious or charitable purpose of the Society, they are at liberty to do so; provided they be clear of debt, and their circumstances will otherwise admit of it; but after having freely made the donation, they can have no more right to reclaim it, than the members of other religious societies have to reclaim the like donations.

The education and government of children belonging to this class, is an important object. Where the number of private families is sufficient, they may establish a school, and jointly contribute to the support of it, and in this way dispose of their property for the joint benefit of their posterity; but if any have estates, they may reserve them, in whole or in part, for the benefit of their children when they become of age.

No children are ever taken under the immediate charge of the Society, except with the request or free consent of those who have the lawful right and control of them, together with the child's own consent. But few, comparatively, are admitted.

Those taken into the Society are treated with care and tenderness, receive a good school education, according to

their genius, are trained to industry and virtuous habits, restrained from vice, and at a suitable age, led into the knowledge of the Sacred Scriptures, and practically taught the divine precepts contained in them, particularly those of Jesus Christ and the Apostles.

2. The second, or junior class, is composed of persons who, not having the charge of families, and being under no embarrassments to hinder them from uniting together in community order, chuse to enjoy the benefits of that situation. These (for mutual safety) enter into a contract to devote their services freely to support the interest of the family of which they are members, so long as they continue in that order; stipulating, at the same time, to claim no pecuniary compensation for their services. But all the members of such families are mutually benefitted by the united interest and labors of the whole family, so long as they continue to support the order thereof; and they are amply provided for in health, sickness, and old age. These benefits are secured to them by contract.

Members of this class have the privilege, at their option, by contract, to give freely, the improvement of any part or all of their property, to be used for the mutual benefit of the family to which they belong. The property itself may be resumed at any time, according to the contract; but no interest can be claimed for the use thereof; nor can any member of such family be employed therein for wages of any kind. Members of this class may retain the lawful ownership of all their own property as long as they think it proper, and chuse so to do; but at any time, after having gained sufficient experience to be able to act deliberately and understandingly, they may, if they chuse, dedicate and devote a part or the whole, and consecrate it forever to the support of the institution. But this is a matter of free choice; no one is urged to do so, but they are rather advised in such cases, to consider the matter well, so as not to do it until they have a full understanding of its conse-

quences ; lest they should do it prematurely, and afterwards repent of it.

3. The third, or senior class, is composed of such persons as have had sufficient time and opportunity practically to prove the faith and manner of life practiced in the Society, and are thus prepared to enter fully, freely, and voluntarily, into a united and consecrated interest. These covenant and agree to dedicate and devote themselves and services, with all that they possess, to the service of God and the support of the gospel forever, solemnly promising never to bring debt nor damage, claim nor demand, against the Society, nor against any member thereof, for any property or service which they have thus devoted to the uses and purposes of the institution. This class constitutes what is called church order, or church relation.

To enter fully into this order, is considered by the Society to be a matter of the utmost importance to the parties concerned, and therefore requires the most mature and deliberate consideration ; for after having made such a dedication, according to the laws of justice and equity, there can be no ground for retraction. Nor can they by those laws, recover any thing whatever which has been thus dedicated. Of this, all are fully apprised before entering into the contract. Yet should any afterward withdraw, the Trustees have discretionary power to bestow upon them whatever may be thought reasonable, not on the ground of any just or legal claim, but merely as an act of charity. No person, however, who withdraws peaceably, is sent away empty.

Children taken into the order of the church, are treated with care and tenderness. The government exercised over them is mild, gentle, and beneficent, and usually excites in them those feelings of affection, confidence, and respect towards their instructors which are not often found among other children, and generally produces a willing obedience to whatever is required of them. The practical exercise of

mildness and gentleness of manners, is early and carefully cultivated among them. All churlishness and moroseness of temper, all harshness of language, all rough, unfeeling behavior, all unkind and uncivil deportment, and all mischievous and wicked propensities, are cautiously watched and reproved. Great pains are taken to lead them into the practical exercise of truth, honesty, kindness, benevolence, humanity, and every moral virtue. The duties of obedience to their instructors, respect to their superiors, reverence to the aged, and kindness and civility to all, are strictly enjoined upon them.

A good common school education is carefully provided for them, in which it is acknowledged that they generally excel children of their own age in the common schools of the country. Where traits of genius are discovered, their privilege of instruction, as occasion requires, is proportionably extended. They are early led into the knowledge of the Sacred Scriptures, instructed in their history, and practically taught the divine precepts contained in them, particularly those of Jesus Christ and his Apostles. They are always brought up to some manual occupation, by which they may be enabled to obtain a livelihood, whether they remain with the Society or not.

During a period of more than forty years, since the permanent establishment of this Society, at New Lebanon and Watervliet, there never has been a legal claim entered, by any person, for the recovery of property brought into the Society; but all claims of that nature, if any have existed, have been amicably settled to the satisfaction of the parties concerned. Complaints and legal prosecutions have not hitherto, come from persons who brought property into the Institution; but from those who came destitute of property, and who, generally speaking, have been no benefit to the Society, in any way; but, on the contrary, after having enjoyed its hospitality, and brought no small share of trouble upon the people, have had the assurance to lay claim to wa-

ges which they never earned, or property to which they never had any just nor legal claim.

No person can be received into this order until he shall have settled all just and legal claims, both of creditors and filial heirs; so that whatever property he may possess, may be justly and truly his own. Minors cannot be admitted as covenant members of this order; yet they may be received under its immediate care and protection. And when they shall have arrived at lawful age, if they should chuse to continue in the Society, and sign the covenant of the order, and support its principles, they are then admitted to all the privileges of members. The members of this order are all equally entitled to the benefits and privileges thereof, without any difference made on account of what any one may have contributed to the interest of the Society. All are equally entitled to their support and maintenance, and to every necessary comfort, whether in health, sickness, or old age, so long as they continue to maintain the principles, and conform to the orders, rules and regulations of the institution. They therefore give their property and services for the most valuable of all temporal considerations; an ample security, during life, for every needful support, if they continue faithful to their contract and covenant, the nature of which they clearly understand before they enter into it.

It may readily be seen, that such an order could not be supported, if its members, on withdrawing, should take whatever they have given, and have the avails of their labors restored to them. They have agreed to give it all to sacred and charitable purposes, claiming nothing but their own support from it. It has been disposed of according to their own desire; and the institution may therefore be no better able to refund it, than if such dedication had never been made. If, therefore, it should be returned to them, it would be literally taking it from those who remain faithful to their covenant, and giving it to covenant breakers. Who cannot see that this would be both unreasonable and unjust?

Notwithstanding all reports to the contrary, we confidently assert that no person has been wronged, by any dedication of property ever made to the purposes of this Society; and that no person whatever, has any just or reasonable ground of complaint in this respect.

This Society has served as a pattern for all the societies or branches of the community which have been established in various parts of the United States. In every place where the faith and testimony of the Society have been planted, the same orders and rules of government have been gradually established and maintained; so that the Society and its members are now generally known; and from the striking peculiarities which distinguish them from all other professors of Christianity, no person need be deceived by impostors.

The perpetuity of the Society is the last thing to be considered, on which we offer the following remarks:

We believe it to be generally granted, that the history of the world does not furnish a single instance of any religious institution which has stood fifty years without a visible declension of the principles of the institution, in the general purity and integrity of its members. This has been generally acknowledged by the devotees of such institutions, and facts have fully verified it. But we would appeal to the candid judgment of those who have known this institution from the beginning, and have had a fair opportunity of observing the progress of its improvement, whether they have in reality, found any declension, either in the external order and regulations of the Society, or in the purity and integrity of its members, in the general practice of the moral and christian duties; and whether they have not, on the contrary, discovered a visible and manifest increase in all these respects. And hence they may judge for themselves, whether the moral character of the Society, and its progressive improvement, can be ascribed to any other cause than

the blessing, protection and government of Divine Power and Wisdom; and why its perpetuity should be called in question.

EXPOSITION CONTINUED,

IN WHICH SUNDRY INQUIRIES AND OBJECTIONS ARE STATED AND ANSWERED.

The following pages were written in the State of Ohio, and printed in a pamphlet with the preceding, under the superintendence of R. McNemer and D. Spining, in 1832. As they will afford further information to the candid enquirer, they are now reprinted with a few corrections and amendments.

NOTWITHSTANDING much has been published for the information of mankind, relative to the faith and practice of the United Society of Believers; yet we find many among the most candid and intelligent, who are still at a loss, and often anxiously, and we hope honestly, seeking further information, especially on matters of a practical nature. For the satisfaction of such, the following pages have been written; and as truth is our object, we shall aim at presenting it in so plain a dress, that it may be easily comprehended by persons of common capacity.

In the first place; it is a question with many, whether this Society has for its primary object the things of this world, or that which is to come. This question is, of all others, of the greatest importance, and ought to be first settled. It is strangely supposed, that if our main object were to prepare for a future state, we would show a greater indifference about the things of time; but instead of this, that we are as zealous to provide a good living, and to have

every thing about us in the best order, and of the most durable quality ; hence we have been publicly denounced, as “a set of worldly minded, cunning deceivers.”

To this strange kind of reasoning we need only reply, that all our zeal in improving temporal things, and taking satisfaction in the enjoyment of them, will not prove that we have no greater enjoyments in prospect ; and we think, that the manner in which we use temporal things, may serve as positive proof, that we consider them of but little value, in comparison with the things of eternity.

Where is the man of the world that could be induced by any thing earthly, to confess all his most secret sins, and take up a full cross against all manner of sin and uncleanness in his knowledge, and live the life of self denial that we live ? This single appeal may satisfy the conscience of any man, that nothing but motives purely religious can possibly induce any person to join this society, and perseveringly conform to its rules and orders.

1. *The confession of sins.* This, being the initiating act, opens a large field of inquiry, and some weighty objections, especially among Protestants, who have imbibed a disgust to almost every point of order held sacred by the Church of Rome. It is questioned whether the order of the gospel be, to confess to God alone, in general terms, or to name the particular acts, thing by thing, in the presence of witnesses appointed to hear, remit, and counsel, as the case may be.

The idea of confessing to man, or of any man having power to forgive sin, is generally viewed by protestants as the greatest presumption. But were it not for the abuses of this sacred order, by the Catholic Church, no protestant, nor any other person of candor, could read the scriptures attentively, and not see that an oral confession of sins, as established in this Society, was practised both under the law and the gospel. The confession, if sincere, is indeed made to God, and it is by his order that the penitent is released,

and his sins forgiven him. "Whose soever sins ye remit, they are remitted unto them, and whose soever ye retain, they are retained."

A striking evidence of the propriety and justice of this order of confession may be observed in mankind under various circumstances. A sinner, under deep tribulation and remorse of conscience, will often apply to some confidential friend in whose piety and goodness he can safely trust, to unburden his mind by laying open those crimes which occasion his remorse, and will often find relief in so doing. This is frequently the resource of awakened sinners on a dying bed. Criminals, also, under a just sentence of death, and expecting soon to be launched into eternity, will often make an open confession of their crimes, and seem to leave the world with much more peace of mind than they otherwise would have done. These things clearly show that there is a witness in the soul of man, implanted by the finger of God, to point out the true order of confession.

2. *Self-denial* comes next in order. The remission of sins that are past, only serves to place the candidate on the ground of further trial. By bringing his deeds to the light he sees what kind of a creature he is, and what he shall do with himself, is now the question. The answer is, "Deny thyself." Can any thing be more objectionable? Self is the supreme object of every natural man; nothing so near and dear to him as himself; of course, to deny himself appears the greatest inconsistency imaginable. Hence it becomes a deep labor to reconcile the mind, in any degree, to a course so directly opposite to that of nature.

The candidate views and reviews his whole life, his actions and his principles of action, and compares them with their opposites now set before him in the precepts of the gospel and the example of believers; the infallible result of which, in every honest man, is self-aborrence and a sincere inquiry, "Lord, what wilt thou have me to do?" "Take up thy cross," is the answer.

3. *The Cross of Christ* comes next into consideration.

Here is the grand halting place with the generality; they are unwilling to purchase salvation at so dear a rate. But to an honest soul there is no time to hesitate, no room for evasion or getting round the cross; no alternative but to make a full surrender, an entire sacrifice. It might, perhaps, be understood, that great latitude is given to the young believer, to hold and manage his own property, family, &c. It is only so considered after the manner of men; the faith of the gospel makes no reserve. Whoever denies self, denies all that belongs to self. The grand requisition to discipleship embraces "all that he hath." He himself is not his own, and what can he have that he can call his own?

Thus the honest soul, having received the faith of the gospel, confessed his sins, denied himself, and taken up his cross, is placed on the proper ground of probation, to follow Christ in the regeneration; which leads to a further inquiry into those several steps which are considered more or less objectionable, by the generality of mankind.

1. The first step, which the believer takes in conformity to the example of Christ, is to withdraw from the communion and fellowship of the world. "Two cannot walk together except they be agreed."

The disagreement between the spirit of Christ and the spirit of the world is irreconcilable: therefore, the first step that goes to test our faith, is prompt obedience to the call of Christ, which ever was, is, and ever will be, "Come ye out from among them, and be ye separate." Hence begins the first order of the Society.

No consideration of an earthly nature can bind the believer to his former associates, nor separate him from the company of those to whom he is united in spirit. The terms laid down by the Captain of our Salvation are unalterable. No worldly honor, no earthly interest, no natural affection, is taken for an excuse; but whatever cannot be

adjusted and disposed of in an orderly manner, must be forsaken. "If any *man* come to me, and hate not his father and mother, and wife and children, and brethren and sisters, yea, and his own life also, he cannot be my disciple." "He that loveth father or mother more than me, is not worthy of me; and he that loveth son or daughter more than me, is not worthy of me; and he that taketh not his cross and followeth after me, is not worthy of me." (Mat. x: 37.)

We have no system of rules to prescribe the form and manner of proceeding, in this matter, each individual acts according to circumstances: If there be a neighborhood of Believers, they are under no necessity of selling or forsaking their houses or lands, or deserting their families.

They establish their own rules of operation, and unbelievers rarely mix with them, unless it be to persecute and afflict them. Any that live remote, if they are not driven off, may take their time for settling their temporal concerns, and moving within the bounds of the Society. If they be single persons, they are accommodated in some of the families of Believers; those who have families move them somewhere near, if they be willing to come, and provide for them if they be able; if not, they depend on their brethren for help.

When a family is divided, and part hold with believers, and part with unbelievers, it furnishes occasion for many objections, which may all be answered in the words of Christ. "I am come not to send peace, but rather division." (Luke xii: 51.)

2. When thus separated from the world, and located in the order of the Society, the next step is to test their union and relation to each other. Their first faith was to make a full and unreserved surrender to God, and it now remains to prove the sincerity of their dedication. If God is in heaven, and we upon earth, how is he to receive this dedication and surrender? This question is answered by Christ

himself: "Whatsoever ye do unto the least of these my brethren, ye do it unto me."

The matter then is to regulate and adjust the general interest to the best advantage, for the mutual support and benefit of all. This is a radical principle that pervades the whole concern, from its embryo to its greatest maturity, and holds a selfish nature to the cross in every arrangement that takes place.

The arrangement of persons, is a matter of the first importance, to organize them in family order, to assign to each individual the lot and place which he is best qualified to fill, and in which he can improve his talents to the best advantage. This, however wise and economical, is not without serious objections, particularly on the ground of disorganizing families, and dissolving the ties of nature. But those who esteem the gospel relation as the most valuable treasure, must gain it, though it be at the expense of those partial affections so highly prized by the children of this world.

3. When a family, in gospel relation, is thus constituted, the next inquiry is, what step is taken to arrange their temporal interest and their mutual labors, so as to prevent confusion? What example has Christ given in that respect? Answer. In the first gathering of Believers, under the ministry of the Apostles, while they had all things common, there was cause of murmuring, till deacons were appointed to see that justice was done to all. According to this example, when property is united together and appropriated to common purposes, it is placed under the care and management of a deaconship, who are to be responsible for the same.

A covenant is entered into between the parties, in which the use and benefit of the property, and the services of all and each are freely devoted to the common support of the family; but to prevent fraud or imposition, no transfer of property is made to the deacons or to any other person.

As this order is merely probationary, the utmost caution is used to prevent imposition. Each individual who brings property with him, has it valued by disinterested men, takes an inventory of it signed by the appraisers, delivers it to the care and custody of the deacons, and if he should afterwards call for it, he receives it without interest, and gives a receipt and acquittance from all further demands.

The reasons for retaining this joint property on the ground of individual and separate claims, are to afford each a sufficient time of trial, and to secure a just settlement of all individual accounts. As long as there is any ground of claim upon the individual, his property remains in his own power, liable for his debts and other personal purposes. It is therefore in this order that all matters are adjusted relating to the settlement of property, all accounts settled with creditors, and donations given or appropriations made to heirs: but above every temporal consideration, it is here that the following lines begin to be realized:

Our flesh and sense must be denied,
Passion and envy, lust and pride;
While justice, temp'rance, truth and love,
Our inward piety approve.*

Few objections are ever brought against the order of such a family, relative to their domestic economy; but the case of the withdrawing members sometimes excites the tender sympathies of the world. For such to receive barely what they brought in; no interest; no wages! How will this comport with the injunctions of scripture, not to defraud the hireling of his wages; or how will it bear the scrutiny of the laws of the land?

Answer. We have ever, from the beginning, discarded the idea of hireing each other, or paying wages to any member of the Society; therefore, no objection can arise

* Dr. Watts.

on the ground of defrauding a hireling ; and as for paying interest, it is pointedly prohibited by the moral law.

“Thou shalt not lend upon usury to thy brother, usury of money, usury of victuals, usury of any thing that is lent upon usury.”—“Lord, who shall abide in thy tabernacle ? Who shall dwell in thy holy hill ?” Mark the answer. “He that putteth not out his money to usury.”

As for the laws of the land, they will be considered hereafter, in reference to a higher order, which is the next subject of inquiry.

4. The fourth and last step that is marked out for our journey through time, is into Church order, where the spirits of men are to be tried as by fire, “and the fire shall try every man’s work of what sort it is;”* their characters will be fairly tested, and their destiny for a future state decided. Every order short of this, is merely preparatory, and admits of some reserve ; but whoever advances into church relation, ought to calculate to make no reserve, and “to go no more out.”† He must enter this order as Noah entered the ark, to ride the foaming billows of time, and terminate his voyage on the peaceful shores of eternity.

To this ark of safety, the true Believer steadily and gradually progresses, making strait paths for his feet, until he arrives at the door of admission.

When a competent number have passed through a sufficient trial of their faith, in the junior order, and are unitedly prepared to establish and support church relation, they have only to ratify and confirm their inward agreement by executing what is, by way of eminence, called the Church Covenant. Our limits will not admit of inserting this Covenant entire ; we shall therefore only state the outlines of its stipulations.

The parties solemnly announce their faith, and the object of their associating together in that order. They agree to

* 1 Thess. iii ; 13.

† Rev. iii : 12.

live together as brethren and sisters of *one family*, possessing *one consecrated interest*, and equally enjoying the benefits of the same; to conform to the order of the Church heretofore known and approved. The several orders of ministry, elders, deacons, and trustees, and the duties of each, are severally designated, as also the duties and obligations, rights and privileges of the members respectively. They further, in the most explicit terms, relinquish all claim to personal or private property, and wages for their services, and debar, not only themselves, but their heirs and assigns for ever, from all private claims to the said consecrated interest, on account of any property or service which they may have contributed and bestowed, and jointly securing to all and each, the unmolested enjoyment of all those benefits and privileges, spiritual and temporal during life, provided they perseveringly conform to the principles and rules of the institution.

The visible fruits of the Senior order are the best comment on its principles. The world have little to say but in admiration. Nor would the most penetrating eye discover, in all the arrangement, cause for complaint, or criminal charge, without the help of a Judas, to misrepresent and falsify.

No trouble or calamity, worth naming, has ever arisen on this consecrated ground, but through the agency and instrumentality of those who violate their sacred engagements, renounce the faith, and demand reparation, for the damages which they pretend to have sustained.

But as this is a subject of peculiar importance, we shall give it a distinct consideration.

THE CLAIMS OF APOSTATES CONSIDERED.

The case now under consideration having been briefly treated in the preceding part of this work, we shall continue the inquiry, under a general appeal to every rule of

right, and see whether on any fair principle the community can be made liable for property so devoted, or labor performed under such conditions.

Let us, then, in the first place, inquire : Is it just and right to retain such donations, in the eye of the law ?

The answer is clear, that if the law grants the liberty of bestowing a gift, it never can revoke the gift made under the sanction of that law ; since all the blessings of a free government depend on the protection of life, liberty, and the enjoyment of property ; the right of using property righteously acquired, must, of course, be accounted one of its blessings. We boast of our constitution, and it expressly prohibits the enacting of any law which would impair any *bona fide* contract or agreement whatever.

When we undertake to prove that it is right, according to law, for any person (free from all incumbrances or lawful demands) to bestow his own property or services to any amount, and to whomsoever he sees fit, it seems like an undertaking to prove that two and two make four. The right to give alms and to make donations, either in property or labor, is guaranteed by the laws and usages of all nations. Landed property may, under some governments, be entailed, but even estate tail are considered by us as inconsistent with the genius of a free republic ; because the possessor of such estate is restrained in his disposal of it. Even in England, legal finesse is resorted to, to break the shackles which had been anciently imposed upon the right of giving away property as the proprietor of it pleases.

No one, we think, can seriously doubt of the legal right which every man in this country possesses, of giving away and receiving property according to the very order and manner practised by the Church.

Another inquiry is raised on the ground of equity. Admitting it is consistent with the rules and maxims of law, will it comport with the pure principles of justice and equity ?

Answer. In the first place, let us examine wherein there is, or may be a difference between law and equity. It may be supposed that the law, that is our written, or statute laws, are defective by reason of that universality of expression, which nothing but a closer-going principle of equity can correct by reaching the minutest circumstance of every case. The written law cannot be made so explicit as to include in the strictest terms of expression, or fair implication, all that is necessary, in order to bring to justice the artful and designing, by tracing them through all their dark and crooked windings, and those subtle schemes which they invent to entrap and defraud the less artful or more honest.

A court is therefore instituted for the relief of such sufferers, and this is called a court of equity. In this court the judge may decide according to evidence, and the common or written law. Where there is no statute that will bear him through, he may select and apply the principles of common law to the case in hand; and where he can find none to suit, he takes such as are most analogous, and, according to his own scrutinizing judgment, raises up a new principle, or correcting law, by which he decides the case. This important subject requires a serious attention, in order to discover its just merits.

The Church would be supposed to be so deeply interested, that a righteous decision could not, from that quarter, be expected; and of course, the withdrawing member—all his near relations—every other member who has left the Society, and every one who intends to leave it, are, by reason of their self-interest in the adjudication, incapable of being impartial. We have no alternative now left, but to look to those who are the least liable to be influenced by interest, and who, at the same time, are the most capable of understanding such matters. This will lead us directly to the court of equity, by reason of its superior ad-

vantages in obtaining the evidence of the facts, as well as its extensive powers in gathering the opinions and judgments, the laws and usages of the wisest and best men who have lived for many ages past.

And what would, or what could such a tribunal do in the present case? In this court, as well as all others, the decision must be given according to law and evidence.

Here the covenant is the evidence of the fact, that the withdrawing member did voluntarily give his property and services for the uses therein specified; and also that he therein promised never to make any charge or demand for the same.

Here the fact is clear and indisputable; and the court find that the common law secures to all sane persons, who are not under duress or constraint, the power of making such donations of property or of services, as they have a just claim to. The court of equity, therefore, as well as that of rigid justice, must and will decree that the donation was lawfully and rightfully made; and that the covenant by which the gift was secured, is lawful and good, and that any act or decree that would disannul or make it void, would be wrong, and altogether immoral in its tendency, as it would, in effect, destroy all covenants or agreements, deeds and obligations, in short, that the whole foundation of social compact or intercourse between man and man would be swept away, and that breach of promise would no more be wrong.

Thus we see by the authority that is deemed the most wise and the most pure on earth, it is established, that it would not be right, but wrong, for the withdrawing member to break his vow, or make any demand for such consecrated service or property. Whence it follows of course, that whatever he can rightfully receive, must be given to him, according to the provisions of the covenant, as a charity.

Most clearly then, any one losing his right of member-

ship, by renouncing his faith and his former obligations of obedience, has no better claims to privileges, property or support, than those who never were members. But those, and those only, who acknowledge and obey the faith and doctrines of the gospel, and conform to the rules and orders thereof, are held in relation as members.

But in the next place, admitting that no law of man can reach the case, may it not be expected that for conscience toward God, remuneration will be made? We answer; All that conscience has to do in the matter, is, to require the judgment to be honestly exercised to decide the case according to the best light, rule or law, which it may be in possession of. And as we have already seen what the decision would be of a conscientious judge, when guided by the best rules or laws among men; so there can be no propriety in appealing to conscience, unless she be allowed to have access to some acknowledged rule of judgment. Now to understand this last appeal fairly, the question is—What rule of judgment is to be considered as most binding on the moral sense or conscience of a Christian? It will be answered—The revealed will of God, as recorded in the scriptures of the Old and New Testaments. Then, “to the law and to the testimony; if they speak not according to this word, it is because there is no light in them.” (Isa. viii. 20.)

We will first mention the positive requirements under the law. One tenth of all their increase was to be consecrated; in addition to this, every first born male of man and beast. These, with other positive requirements under the law, plainly show that God holds a claim to property, and to persons too, for his special service. And were those large donations ever credited to the donor, with any view to a recovery?

But beyond positive requirements, there was an abundance of free-will offerings, which were encouraged and highly approbated. All vows and promises to dedicate to

the service of God, either property or person, were approved and confirmed. And however they might, under the influence of the selfish principle, afterwards change their minds, they were never permitted to fail in the fulfilment of their sacred voluntary engagements. "If a man vow a vow unto the Lord, he shall not profane his word, he shall do according to all that proceedeth out of his mouth." (Numb. xxx. 2.) No provision here for any change of mind.

Now, what think ye, did Christ come to destroy the law, or to fulfil it? Did he teach his disciples to be more selfish, more penurious, or more tenacious of their property than had been customary? Just the reverse.

The law, by levying on a part, for the purpose of supporting union, only served as a school master to bring us to Christ, whose doctrine required an entire devotion of all that a man had, and his own consecrated life into the bargain. Let him that readeth understand. "Whosoever he be of you that forsaketh not all that he hath, he cannot be my disciple. (Luke xiv. 33.)

Hence the example of the poor widow was so highly commended in putting into the treasury all that she had, even her whole living, although it was but about a farthing. For the gospel requires a full surrender to God, from those who profess it, and any one under the profession of obedience to the gospel, in full church relation, attempting to hold back a part of his property or services for self, may remember Ananias and Sapphira. And how could any one stand on any better ground, who had solemnly and freely given up all, should he ever afterwards attempt to take back a part or the whole of what he had freely devoted? For any thing further on this point, we refer to the ever memorable facts recorded in the acts of the Apostles, where it is said, "The multitude of them that believed, were of one heart, and of one soul; neither said any of them that aught of the things which he possessed was his own; but they had all things common." (Acts iv. 32.)

Is there any evidence that aught of this property was ever reclaimed, or that there ever was an order of court, either in heaven or on earth, to repeal those gifts, and subject the church to debt or damage for the same?

The result of this inquiry, then, is obvious, that conscience has no other concern in the matter, except to acquiesce in the principles of right, established by all the aforesaid authorities, and decide accordingly.

Some, for mere evasion, have brought up the golden rule, of doing to others as we would they should do to us, and as they would fondly apply it, we think a greater absurdity could not be invented. We are willing this rule should be applied to us in any rational point of view; it is that by which we square our conduct in all our transactions with mankind; but should we follow the ignis fatuus light of a self-interested apostate, and his advocate, where would it lead us?

But what do we to others, that we would not that they should do to us? We covet no man's silver or gold, or property of any description; of course we wish them not to covet ours.—We demand nothing from any man to which we have not a lawful right, and why should we not repel an unlawful demand upon us? and as we punctually keep and fulfil our contracts, so we wish others to do. And though we vow to our own hurt, we change not. (See Psalms xv. 4.) And could we wish others to act differently? But should we at any time recant a fair bargain, and attempt by law to force our opponent into a compliance with our covetous wishes, we would that the court should brand such a suit with infamy. Then let such be the result of all illegal claims against the Church, and all differences of opinion on this interesting subject will be fairly and impartially settled.

Here we think the argument might close; but one final objection, on account of serious minds, we shall consider, namely, that this final dedication is carrying the matter too

far—farther than the general sense of mankind will approbate; consequently it renders the institution unpopular: whereas, by some little alterations in the church covenant, permitting the withdrawing member to take back his property, and allowing him something for his labor, the institution might be more extensive and useful.

Answer. Had we been set to contrive the plan, no doubt we should have adopted such views; but all we have had to do in the matter, has been to receive it as it has been originally constructed by a higher authority.

But to obviate what Dr. Clelland of Kentucky terms its “*odious unpopularity*,”* we would remark that every degree of the work of God that has ever been introduced among mankind, has been *odiously unpopular* in its commencement. By consulting Dr. Lardner’s quotations from the book of Celsus, it will appear how popular Christ himself was in the early days of his ministry.

But so it is, that every step in the travel of the church towards her consummate glory, has been under an increasing cross. The circumcised Jew was *odiously unpopular* to the whole Gentile world, and Christians, as long as they maintained the circumcision of Christ, supported no better character in the esteem of a licentious world; from which the conclusion is evident, as it respects the finishing work of God in this latter day; that it must be by a full cross that the church can possibly arrive at her consummate glory.

No one is compelled to bear such a cross; but when the time is fully come for *Zion to arise and put on her beautiful garments*, and a people are prepared to take up such a cross, is it consistent that God should suspend his purposes, and procrastinate his work, because it is likely to be *unpopular*, and but a few ready to approbate it?

The *unpopular* few, who chuse to advance to the height

* See Unitarianism Unmasked, page 161.

of Zion, cannot interrupt any that chuse to tarry on the plain of mere partnership and self-interest; but as an apology for our holding fast what we have received, let us for a moment take a view of a society constituted on the *popular* plan.

Here all are equally prepared and invited to flock together; the multitude must include whole families, old and young, rich and poor, weak and strong, with their several interests, talents and faculties. All go to work that are able and willing, and all derive their support from the joint stock, each has his property appraised, and his money and property, of course, going on interest.

Who, now, is to register those several sums, and calculate the annual interest, and keep book for a fair reckoning of loss or gain? Who is sufficiently versed in arithmetic to calculate the value of the days' works performed by this popular assembly, and make the proper deductions for boarding, washing, lodging, clothing, doctoring, and other necessary expenses? all which must be done, if each is to retain his personal interest, and a legal and just settlement is to be made. And without such regular accounts, what sworn jury could *legally guess* what the annual labor of an individual was worth, or how much ought to be deducted for necessary and contingent expenses. But we leave it to those who have attempted the experiment, or may wish to establish a community on such a plan, to make the calculation. If, indeed, any one should attempt to apply the principle, and make the calculation, he would soon find that a united body of people could never stand on that ground; because the selfish principle it would involve, and the difficulties and confusion it would occasion, would inevitably dissolve the institution. But if any chuse it, let them try the experiment. We have but one object in view, and that is to fulfil, in the most unequivocal manner, "all that the prophets have spoken" concerning the church of God in the latter day.

And thus, after examining the subject on every side, it evidently appears that the unity, purity and perpetuity of the church can never be gained and supported, except upon those very principles upon which this institution is founded.

And here we shall close this subject, with a few passing remarks on this pure principle of self-denial, and impartial regard to the welfare of others,—a principle which induces its subject to give, hoping for no remuneration in this world, and freely to exchange the selfish and contracted pleasures of time, for the more sublime and exalted enjoyments for which man was created.

That such a principle does exist, and that wherever seen, it ought to claim universal approbation, a few actions, under peculiar circumstances, seem to prove. A spirit of benevolence in doing good to the poor, in a man's hazarding his own life, to save the life of his fellow creature, in his suffering toil and danger for his country's sake, without pecuniary reward; how are these things admired! How are such characters eulogized! What an immortal renown accompanies their names!

Of this truth we have a signal instance in George Washington. And what, pray, did he do, which constrains all to honor him? Why, he perseveringly endured privations and hardships; was faithful, zealous and enterprising in the cause in which he was engaged; refused pecuniary reward for his arduous services; and lastly, (and this crowned all) he did not do what so many successful chiefs have done,—he did not usurp the sovereign power when it was within his grasp, but resigned up his commission and retired in peace. What is it then, that calls forth unbounded and universal esteem, but a measure of self denial, so conspicuous through the different parts of his public life, as well as his private walks?

Here we see that God has a witness in every man's breast, which is compelled to honor and approve of the

principle of self-denial. How little soever they may exercise it, they are ready to testify its heavenly origin.

How must mankind feel when they come to see and know that the church, as to its principles, is founded wholly on the doctrine of self-denial, and that it is built up, entirely, by the practice thereof. If one man should be induced, through friendship, to give up his own life to save the life of his friend, and do it deliberately, his fame would be sounded far and near, especially if that friend should be some person of note. But how must the world be confounded when all come to know that every simple, cross-bearing Believer, (and that there are hundreds of such) is constantly in the actual work of laying down his earthly and sensual life, for the sake of Christ, his *everlasting friend*. And can it be disputed that such are entitled, above all others, to the sure and certain hope of gaining a better and far more excellent life, according to the promise of Christ, his immutable friend and Lord: "Whosoever will save his life, shall lose it: but whosoever shall lose his life for my sake and the gospel's, the same shall save it." And again: "He that loveth his life, shall lose it; and he that hateth his life in this world, shall keep it to life eternal." (Mark viii. 35, and John xii. 25.)

EXTRACTS FROM THE CHURCH COVENANT.

The following extracts are made from the written Covenant which was adopted and executed in the Church of the United Society in the year 1830. They show the essential object for which the Society was established, the manner in which the temporal interest of the Church is held, and the purposes for which it is used and appropriated by the Trustees. They also show the privileges enjoyed *by*, and the duties required *of* the members for whose benefit the temporal concerns of the Society have been regulated and managed since the first establishment of this Institution.

ARTICLE II.—The great object, purpose and design of

our uniting together as a Church, or Body of people, in social and religious compact, is faithfully and honestly to occupy, improve and diffuse the various gifts and talents, both of a spiritual and temporal nature, with which Divine Wisdom has blessed us, for the service of God, for the honor of the gospel, and for the mutual protection, support, comfort and happiness of each other, as brethren and sisters in the gospel, and for such other pious and charitable purposes as the gospel may require.

ART. III. Sec. 1.—The official Trustees of the Church are invested with power to take the general charge and oversight of all the property, estate and interest dedicated, devoted, consecrated and given up for the benefit of the Church; to hold in trust the fee of all lands belonging to the Church. And the said property, estate, interest, &c. shall constitute the united and consecrated interest of the Church, and shall be held in trust by the said Trustees, in their official capacity, and by their successors in said office and trust, forever.

Sec. 2.—It is, and shall be the duty of the Trustees, to improve, use and appropriate the said united interest, for the benefit of the Church, in all its departments, and for such other religious and charitable purposes as the gospel may require; and also to make all just and equitable defence in law, for the protection and security of the consecrated and united interest, rights and privileges of the Church and Society, jointly and severally, as an associated community, so far as circumstances and the nature of the case may require. *Provided nevertheless*, that all the transactions of the said Trustees, in the use, management, protection, defence and disposal of the aforesaid interest, shall be for the benefit and privilege, and in behalf of the Church or Society, as aforesaid; and not for any private interest, object or purpose whatever.

Sec. 3.—It shall be the duty of the Trustees to give information to the Ministry and Elders of the Church, of

the general state of the temporal concerns of the Church and Society committed to their charge ; and also to report to said authority, all losses sustained in the united interest thereof, which shall come under their cognizance. And no disposal of any of the real estate of the Church, nor any important contract shall be considered valid without the previous approbation of the authority aforesaid, to whom the said Trustees are, and shall at all times be held responsible in all their transactions.

ART. VI. Sec. 1.—The united interest of the Church having been formed and established by the free-will offerings, and pious donations of the members respectively, from the commencement of the Institution, for the objects and purposes already stated, it cannot be considered either as a joint tenancy or a tenancy in common, but as a consecrated *whole*, designed for, and devoted to the uses and purposes of the gospel forever, agreeable to the established principles of the Church ; therefore it shall be held, possessed and enjoyed by the Church, in their united capacity, as a sacred and covenant right ; *that is to say*, all and every member thereof, while standing in gospel union, and maintaining the principles of this covenant, shall enjoy equal rights, benefits and privileges, in the use of all things pertaining to the Church, according to their several needs and circumstances ; and no difference shall be made on account of what any one has contributed and devoted, or may hereafter contribute and devote to the support and benefit of the Institution.

Sec. 3.—As subordination and obedience is the life and soul of every well regulated community, so our strength and protection, our happiness and prosperity in our capacity of church members, must depend on our faithful obedience to the rules and orders established in the Church, and to the instruction, counsel and advice of its leaders : *Therefore we do hereby covenant and agree*, that we will receive and acknowledge as our Elders in the gospel, those

members in the Church who are or may be chosen and appointed for the time being, to that office and calling, by the authority aforesaid; and also, that we will, as faithful brethren and sisters in Christ, conform and subject ourselves to the known and established faith and principles of our community, and to the counsel and direction of the Elders who shall act in union as aforesaid; and also to all the orders, rules and regulations which are, or may be given and established in the Church, according to the principles, and by the authority aforesaid.

Sec. 4.—As the faithful improvement of our time and talents in doing good, is a duty which God requires of man, as a rational, social and accountable being, and as this duty is indispensable in the members of the Church of Christ, therefore it is, and shall be required of all and every member of this Institution, unitedly and individually, to occupy and improve their time and talents, to support and maintain the interest of this Society, to promote the objects of this Covenant, and discharge their duty to God and each other, according to their several abilities and callings, as members in union with one common head; so that the various gifts and talents of all, may be improved for the mutual benefit of each other, and all concerned.

WITCHCRAFT.

The few pages that close this work, are devoted entirely to a repetition of strong cases of ancient demonology and witchcraft detailed at the time of their occurrence by the Rev. Cotton Mather, a celebrated Divine in this country, and other clergymen and learned men of that day, many of which cases, they pledge their reputation, occurred within their own view, and are accurately and truly represented.

That they honestly believed what they have related, cannot be doubted by the reader on the perusal of the original. Indeed, *their excited* feelings affected more to keep up this strange belief in supernatural events, than all things else; for they were usually the prosecutors, witnesses, and jury, to try the guilty—for guilty they of course were, if suspected and accused. And the offenders were pre-judged, condemned, and executed in the minds of the tryers as much before the evidence was heard, as subsequent. It was a business of condemnation under high excitement, not of judicious, honest, adjudication of facts proved before them. The few cases I have collected, are only inserted here to shew the amazing improvement in the minds of men since that strange and truly eventful period of the dark ages.

The following are the only cases of trials for witchcraft upon the Records of the Colony of Connecticut, which are transcribed accurately from the Record.

A Court held at Hartford, July 2d, 1663.

Elizabeth Seger, thou art here Indited by the name of Elizabeth Seger, for not haveing the feare of God before thine Eyes; thou hast entertained familiarity with Sathan, the grand Enemie of God and mankind, and by his help, hast acted things in a preternaturall way beyound the ordinary course of nature, as allso for that thou hast committed Adultery, and hast spoken Blasphemy against God, con-

trary to the Lawes of God and the established Lawes of this Corporation, for all or any of which crimes by the sayd Lawes thou deservest to dye.

The Prisoner pleaded not Guilty of the Inditement, and refered herselfe to the tryall of the Jury.

The Jury returne that they finde the Prisoner Guilty of the Inditement in that perticuler of Adultery.

June, A. D. 1665.

The Inditement of Elizabeth Seager.

Elizabeth Seager, thou art here indited by the name of Elizabeth Seager, the wife of Richard Seager, not having the feare of God before thine eyes, thou hast entertained familiarity with *Satan*, the Grand Enemy of God and mankind—hast practiced witchcraft formerly, and continuist to practice witchcraft, for which, according to ye Lawes of God and the establisht Law of this Corporation, thou deservest to die.

The Prisoner answers not guilty, and refers herself to be tried by God and the Country.

The Jury being called to return their Verdict upon ye Inditement of Elizabeth Seager, the Foreman declares that they find the prisoner *Guilty* of familiarity with *Satan*.

Respecting Elizabeth Seager, this Court considering the verdict of ye Jury, and finding that it doth not legally answer the Inditement, doe therefore discharge and set her free from further suffering or imprisonment.

This is a true copy of record.

The same Elizabeth Segar had been before tried and acquitted for the same offence committed with the crime of adultery, and found guilty of adultery, and not guilty of witchcraft.

Court of Assistance at Hartford May 25, 1699.

Kateram Harrison, thou standest here Indicted by ye name of Kateram Harrison, of Weathersfield, as being guilty of Witchcraft, for that thou not having the fear of

God before thine eyes, hast had familiarity with Sathan, the grand enemie of God and mankind; and by his help hast acted things beyound and besides the ordinary course of nature, and hast thereby hurt the bodyes of diuers of the Subjects of our Soueraigne Lord, the King; for which, by the law of God and of this Corporation, thou oughtest to dye. What sayest thou for thyselfe, guilty or not guilty. The Prisoner returned not guilty, and referred herself to a Tryall by the Jury present.—Juryes Oath. You doe sware by the grate dreadfull name of the euerliuing God, that you well and truely try, Just verdict giue, and true deliuerance make between our Sourigan Lord, the King, and such Prisoner or Prisoners at the Barr as sheals be given you in charge according to euidence giuen in Court and the lawes, so help you God, in our Lord Jesus.

The Jury finding difficulty in the matter given them in charge, in refference to the Indictment of Kathern Harrison, cannot as yet, agree to give in a verdict; upon which the Court see cause to adjourne vntill the next Sasion of the Court of Assistant in October; at which time the Jury are to appare to give their verdict, and the Prisoner to remaine in duerance till that time.

A Court of Assistants held at Hartford October 12, 1699.

The Jury were called in Court, and did appeare, who were by the Court ordered to pass upon the consideration of the Indictment of Kath. Harrison, formerly committed to them.

The Jury being called to give in their verdict upon the Indictment of Katherin Harrison, retorne that they find the Prisoner guilty of the Indictment.

This Court haueing considered the verdict of the Jury respecting Kathern Harrison, cannot concur with them so as to sentance her to Death, or to a longer continuance in restraynt, but do dismiss her from her imprisonment, she

paying her Just fees, willing her to minde the fullfilment of remouing from Weathersfield; which is that will tend most to her owne safety and the contentment of the people who are her neighbours.

WITCHCRAFT, 1694. p. 77.

Capt'n Daniel Clark at this Court as Att'y in behalf of our sovreign Lord, the King, appeared in Court and arraigned Winnfield Benham Sen'r, and Winnfield Benham, Jr. both of Wallingford, for having familiarity with Satan, the enemy of God and mankind, and by his aid doing many preternatural arts, by mischievously hurting the bodies and goods of sundry persons, viz., of John Moses, Jr., Joseph Roys and Ebenezer Clark, with divers others, to the great damage and disturbance of the public peace, &c. This bill of Charges, with the testimonies relating thereunto, being referred to the consideration of the Grand Jury, returned upon the bill *Ignoramus*.

This suit was commenced at N. Haven, but tried at Hartford.

It is to be confessed and bewailed, that many inhabitants of New England, and young people especially, had been led away with little Sorceries, wherein they did secretly those things that were not right against the Lord their God: they would often cure hurts with spells and practice detestable conjurations with Sieves, and Keys, and Peas, and Nails, and Horse Shoes, to learn the things for which they had a forbidden and impious curiosity. Wretched Books had stolen into the land, wherein fools were instructed how to become able fortune tellers.

Although these diabolical divinations are more ordinarily committed perhaps all over the world, than they are in the country of New England, yet that being a country devoted unto the worship and service of the Lord Jesus Christ above the rest of the world, he signalized his vengeance

these wickednesses with such extraordinary dispensations as have not often seen in other places.

The Devils which had been so played withall, and it may be by some few criminals more explicitly engaged and employed, now broke in upon the country after as astonishing a manner as was ever heard of. Some scores of people, first about Salem, the centre and first born of all the towns in the Colony, and afterwards in other places, were arrested with many preternatural vexations upon their bodies, and a variety of cruel torments which were evidently from the Demons of the invisible world. The people that were infected and infested with such demons, in a few days time arrived unto such a refining alteration upon their Eyes that they could see their tormentors: they saw a Devil of a little stature, and of a tawny colour, attended still with spectres that appeared in more human circumstances.

The tormentors tendered unto the afflicted a book requiring them to sign it, or to touch it at least, in token of their consenting to be listed in the service of the Devil; which they refusing to do, the Spectres under the command of that black man, as they called him, would apply themselves to torture them with prodigious molestations.

The afflicted wretches were horribly distorted and convulsed; they were pinched black and blue; pins would be run every where in their flesh; they would be scalded until they had blisters raised on them; and a thousand other things, before hundreds of witnesses, were done unto them, evidently preternatural; for if it were preternatural to keep a rigid fast for nine, yea, for fifteen days together; or if it were preternatural to have ones hands tied close together with a Rope to be plainly seen, and then by unseen hands presently pulled up a great way from the earth, before a crowd of people; such preternatural things were endured by them.

But of all the preternatural things which these people suffered, there were none more unaccountable than those

wherein the prestigious Demons would ever now and then cover the most corporeal things in the world with a fascinating mist of invisibility. As now, a person was cruelly assaulted by a spectre, that she said came at her with a spindle, though nobody else in the room could see either the spectre or the spindle; at last, in her agonies, giving a snatch at the spectre, she pulled the spindle away; and it was no sooner got into her hand, but the other folks then present beheld that it was indeed a real, proper, Iron spindle; which when they locked up very safe, it was, nevertheless, by the demons taken away to do farther mischief.

Again, a person was haunted by a most abusive spectre, which came to her, she said, with a sheet about her, though seen to none but herself. After she had undergone a deal of teaze from the annoyance of the spectre, she gave a violent snatch at the sheet that was upon it; wherefrom she tore a corner, which in her hand immediately was beheld by all that were present, a palpable corner of a sheet: and her Father, which was of her, catched, that he might see what his Daughter had so strangely seized; but the spectre had like to have wrung his hand off, by endeavouring to wrest it from him; however he still held it; and several times this odd accident was renewed in the family. There wanted not the oaths of good credible people to these particulars.

Also it is known, that these wicked spectres did proceed so far as to steal several quantities of money from divers people, part of which individual money dropt sometimes out of the air, before sufficient spectators, into the hands of the afflicted, while the spectres were urging them to subscribe their covenant with death. Moreover, poisons to the standersby wholly invisibly, were sometimes forced upon the afflicted; which, when they have with much reluctancy swallowed, they have swoln presently, so that the common medicines for poisons have been found necessary to relieve them; yea, sometimes the spectres in the struggles have so

dropt the poisons, that the standersby have smelt them and viewed them, and beheld the pillows of the miserable stained with them. Yet more, the miserable have complained bitterly of burning rags run into their forcibly distended mouths; and though nobody could see any such cloths, or indeed any fires in the chambers, yet presently the scalds were seen plainly by every body on the mouths of the complainers, and not only the smell, but the smoke of the burning sensibly filled the chambers.

Once more the miserable exclaimed extremely of Branding Irons, heating at the fire on the hearth to mark them; now the standersby could see no Irons, yet they could see distinctly the print of them in the ashes, and smell them too, as they were carried by the not-seen furies unto the poor creatures for whom they were intended; and those poor creatures were thereupon so stigmatized with them, that they will bear the marks of them to their dying day. Nor are these the tenth part of the prodigies that fell out among the inhabitants of New England.

Flashy people may burlesque these things, but when hundreds of the most sober people, in a country where they have as much mother wit certainly as the rest of mankind, know them to be true, nothing but the absurd and froward spirit of saducism can question them. I have not yet mentioned one thing that will be justified, if it be required, by the oaths of more considerate persons than can ridicule these od phenomena.

But the worst part of this astonishing tragedy is yet behind; wherein Sir William Phips,* at last being dropt as it were from the machine of Heaven, was an instrument of easing the distresses of the land, now so darkened by the Lord of Hosts. There were very worthy men upon the

* Sir William Phips was at this time (1691) appointed Governor of the colony of Massachusetts, and was the principal instrument of putting a stop to the wild and ridiculous notions of witchcraft, which had for a long time pervaded the whole country.

spot where the assault from hel was first made, who apprehended themselves called from the God of Heaven, to sift the business unto the bottom of it; and indeed, the continual impressions which the outcries and the havocks of the afflicted people that lived nigh unto them caused on their minds, gave no little edge to this apprehension.

They did, in the first place, take it for granted, that there are witches, or wicked children of men, who upon covenanting with and commissioning of evil spirits, are attended by their ministry to accomplish the things desired of them: they had not only the assertions of the holy scriptures; assertions which the witch advocates cannot evade without shifts too foolish for the prudent, or too profane for any honest man to use; and they had not only well attested relations of the gravest authors, from Bodin to Bovet, and from Binsfield to Brombal and Baxter; to deny all which, would be as reasonable as to turn the chronicles of all nations into romances of Don Quixot and the Seven Champions; but they had also an ocular demonstration in one, who a little before had been executed for witchcraft, when Joseph Dudley, Esqr. was the Chief Judge. There was one whose magical images were found, and who confessing her deeds, (when a Jury of Doctors returned her *compos mentis*,) actually showed the whole court by what ceremonies used unto them, she directed her familiar spirits how and where to cruciate the objects of her malice; and the experiment being made over and over again before the whole court, the effect followed exactly in the hurts done to the people at a distance from her. The existence of such witches was now taken for granted by the good men, wherein so far the generality of reasonable men have thought they ran well; and they soon received the confessions of some accused persons to confirm them in it; but then they took one thing more for granted, wherein it is now as generally thought they went out of the way. The afflicted people vehemently accused several persons, in several places, that the spectres

which afflicted them did exactly resemble them ; until the importunity of the accusations did provoke the Magistrates to examine them. When many of the accused came upon their examination, it was found that the demons, then a thousand ways abusing of the poor afflicted people, had with a marvelous exactness represented them ; yea, it was found that many of the accused, but casting their Eye on the afflicted, though their faces were never so much another way, would fall down and lie in a sort of a swoon, wherein they would continue, whatever hands were laid upon them, until the hands of the accused came to touch them, and then they would revive immediately ; and it was found that various kinds of natural actions, done by many of the accused in or to their own bodies, as leaning, bending, turning awry, or squeezing their hands, or the like, were presently attended with the like things preternaturally done upon the bodies of the afflicted, though they were so far assunder that the afflicted could not at all observe the accused.

It was also found that the flesh of the afflicted was often bitten at such a rate, that not only the print of the teeth would be left on their flesh, but the very slaver of spittle too, even such as might be clearly distinguished from other peoples. And usually the afflicted went through a terrible deal of seeming difficulties from the tormenting spectres, and must be long waited on, before they could get a breathing space from their torments to give in their testimonies.

Now many good men took up an opinion, that the providence of God would not permit an innocent person to come under such a spectral representation ; and that a concurrence of so many circumstances would prove an accused person to be in a confederacy with the demons thus afflicting of the neighbors ; they judged, that except these things might amount unto a conviction, it would scarce be possible ever to convict a witch ; and they had some philosophical schemes of witchcraft, and of the method and manner

wherein magical poisons operate, which further supported them in their opinion.

Sundry of the accused persons were brought unto their trial, while this opinion was yet prevailing in the minds of the Judges and Juries, and perhaps the most of the people in the country, then mostly suffering; and though some of them that were tried there came in so much other evidence of their diabolical compacts, that some of the most Judicious, and yet vehement opposers of the notions then in vogue, publicly declared, had they themselves been on the bench, they could not have acquitted them; nevertheless, divers were condemned, against whom the chief evidence was founded in the spectral exhibitions.

And it happening, that some of the accused coming to confess themselves guilty, their shapes were no more seen by any of the afflicted, though the confession had been kept never so secret, but instead thereof the accused themselves became in all vexations just like the afflicted; and this yet more confirmed many in the opinion that had been taken up.

And another thing that quickened them, yet more to act upon it, was, that the afflicted were frequently entertained with apparitions of Ghosts, at the same time that the spectres of the supposed witches troubled them: which Ghosts always cast the beholders into a far more consternation than any of the spectres; and when they exhibited themselves, they cried out of being murdered by the witchcrafts, or other violences of the persons represented in the spectres—once or twice the apparitions were seen by others at the very same time that they shewed themselves to the afflicted; and seldom were they seen at all, but when something unusual and suspicious had attended the death of the party thus appearing.

The Dutch and French Ministers in the province of New York, having likewise about this time their Judgment asked by the Chief Judge of that province, who was then a

gentleman of New England, they gave it under their hands that if we believe no *Venefick Witchcraft*, we must renounce the Scripture of God, and the consent of almost all the world ; but that yet the apparition of a person afflicting another, is a very insufficient proof of a witch ; nor is it inconsistent with the holy and righteous government of God over men, to permit the affliction of the neighbors, by devils in the shape of good men ; and that a good name, obtained by a good life, should not be lost by mere spectral accusations.

Now upon a deliberate review of these things, his Excellency* first reprieved, and then pardoned many of them that had been condemned ; and there fell out several strange things that caused the spirit of the country to run as vehemently upon the acquitting of all the accused, as it by mistake ran at first upon the condemning of them.

In fine, the last Courts that sate upon this thorny business, finding that it was impossible to penetrate into the whole meaning of the things that had happened, and that so many unsearchable cheats were interwoven into the conclusion of a mysterious business, which perhaps had not crept thereinto at the beginning of it, they cleared the accused as fast as they tried them ; and within a little while the afflicted were most of them delivered out of their troubles also ; and the land had peace restored unto it, by the God of peace, treading Satan under foot.

EXTRACTS FROM AN ANCIENT HISTORY OF THE COLONY
OF MASSACHUSETTS.

*“ Relating to the wonders of the invisible world, in pre-
ter-natural occurrences.”*

“ Of these, I will now offer the publick, some remarkable histories ; for every one, which we have had such a sufficient evidence, that no reasonable man in this whole country, ever did question them ; and it will be unreasonable

* Sir William Phips.

to do it in any other. For my own part, I would be as exceedingly afraid of writing a false thing, as of doing an ill thing; but have my pen always more in the fear of God."

THE FIRST EXAMPLE.

Ann Cole, a person of serious piety, living in the house of her godly Father, in the year 1662, was taken with very strange fits, wherein her tongue was improved by a demon, to express things unknown to herself. The general purpose of the discourse, which held sometimes for a considerable while, was, that such and such persons named in the discourse, were consulting how they might carry on mischievous designs against her and several others, by afflicting their bodies or destroying their good names; upon all which, the general answer heard among these invisible speakers, was, *ah! she runs to the Rock!* after such an entertainment had held for some hours, the *demons* were heard saying, *let us confound her language, that she may tell no more tales.* Whereupon the conference became unintelligible to the standers by, and it pass'd in a Dutch tone giving therein an account of mischiefs that had befallen divers persons. Several eminent ministers wrote the speeches of the spirits, thus heard in the mouth of this Ann Cole; and one of the persons therein mentioned, as active in the matter then spoken of (whose name was Greensmith) being then in prison on suspicion of witchcraft, was brought before the Magistrates. The Ministers now reading to her what they had written, she with astonishment, confes'd that the things were so, and that she with other persons, named in the papers, had familiarity with a devil. She said that she had not yet made a formal covenant with her devil, but only promised that she would go with him when he called her, which she had sundry times done accordingly: and that he told her, that at *Christmas*, they would have a *mer-ry meeting*, and then the agreement between them should be subscribed. She acknowledged the day following, that when Ministers began to read what they did, she was in

such a rage, that she could have torn them to pieces; and she was resolved upon the denial of her guilt; but after they had read awhile, she was as if her flesh were pull'd from her bones, and she could no longer do what they charged upon her. She declared that her devil appeared unto her first in the shape of a Deer, skipping about her, and at last proceeded so far as in that shape to talk with her; and the devil had frequently carnal knowledge of her. Upon this confession, with other concurrent evidence, the woman was Executed, and other persons accused, made their escape: whereupon *Ann Cole*, was happily deliver'd from the extraordinary troubles wherewith she had been exercis'd.

THE SECOND EXAMPLE.

In the town of Groton, one *Elizabeth Knap*, (October 1671,) was taken after a very strange manner; sometimes weeping, sometimes laughing, sometimes roaring, with violent agitations, crying out *Money, Money*, her tongue would be for many hours together drawn like a semi-circle, up to the roof of her mouth; so that no fingers applyed unto it, could remove it. Six men were scarce able to hold in some of her fits; but she would skip about the house yelling and howling, and looking hideously.

On Dec. 17th, her tongue being drawn out of her mouth to an extraordinary length, a *demon* began manifestly to speak in her; for many words were distinctly uttered, wherein are the labiel letters, without any motion of her lips at all: words also, were uttered when her mouth was wide open, but no organs of speech us'd therein. The chief things that the *demon* spoke, were horrid railings against the godly minister of the town; but sometimes he likewise belch'd out most nefaridous blasphemies against the God of Heaven. And one thing about this young woman was yet more particularly remarkable: she cried out in her fits that a certain woman in the neighbourhood

appeared unto her, and was the only cause of her affliction.

The Woman thus cry'd out upon, was doubtless an holy, a devout, a vertuous person; and she, by the advice of her friends, visited the afflicted. The possessed creature, tho' she was in one of her fits, and had her eyes wholly shut, yet when this innocent woman was coming, she discover'd herself wonderfully sensible of it, and was in grievous agonies at her approaches.

But this *inocent woman* thus accused and abus'd by a malicious devil, pray'd earnestly with, as well as for this possess'd creature; whereupon coming to herself, she confess'd that she had been deluded by Satan, and compell'd by him unreasonably to think and speak evil of a good neighbour without a cause. After this, there was no further complaint of such an ones apparition; but she said some devil in shape of divers, did very diversly and cruelly torment her, and then told her it was not *he*, but *they*, that were her tormentors.

THE THIRD EXAMPLE.

In the third year, 1679, the House of *William Morse*, at *Newbury*, was infested with *demons* after a most horrid manner, not altogether unlike the *demons of Tedworth*. It would fill many pages to relate all the infestations; but the chief of 'em were such as these. *Bricks*, and *sticks*, and *stones*, were often by some invisible hand, thrown at the house, and so were many pieces of Wood: a cat was thrown at the Woman of the house, and a long *staff* danc'd up and down in the chimney; and afterwards the same long *staff* was hang'd by a line and swung to and fro, and when two persons laid it on the fire to burn it, it was as much as they were able to do with their joint strength to hold it there. An *Iron crook* was violently by an invisible hand, hurl'd about; and a chair flew about the room untill at last it litt upon a table where the meat stood ready to be eaten, and

had spoiled all if the people had not with much ado saved a little. A *chest* was by an invisible hand, carried from one place to another, and the doors barricado'd, and the keys of the family taken, some of them from the bunch where they were ty'd, and the rest flying about with a loud noise of their knocking against one another. For a while the folks of the house could not sup quietly, but ashes would be thrown into their suppers, and on their heads, and their cloaths; and the *shoes* of the man being left below, one of them was fill'd with ashes and coals, and thrown up after him. When they were a bed, a stone weighing about three pounds, was divers times thrown upon them. A box and a board was likewise thrown upon them; and a bag of hops being taken out of a chest, they were by the *invisible hand*, beaten therewith till some of the hops were scatter'd on the floor where the bag was then laid and left. The man was often struck by that hand with several instruments; and the same hand cast their good things into the fire: yea, while the man was at prayer with his household, a *beesom* gave him a blow on his head behind, and fell down before his face. When they were winnowing their Barley, dirt was thrown at them; and assaying to fill their half bushel with corn, the *foul corn* would be thrown in with the clean so irresistibly that they were forc'd thereby to give over what they were about. While the man was writing, his *Ink horn* was by the *invisible hand*, snatch'd from him; and being able no where to find it, he saw it at length drop out of the air down by the fire. A *Shoe* was laid upon his shoulder; but when he would have catch'd it, it was rapt from him; it was then clapt upon his head, and there he held it so fast that the *unseen* fury pull'd him with it backward on the floor. He had his cap torn off his head, and in the night he was pull'd by the hair and pinch'd and scratch'd; and the *invisible hand* prick'd him with some of his *awls*, and with *needles*, and *bodkins*; and *blows* that fetched blood were sometimes given. Frozen clods of

cow dung were often thrown at the man; and his Wife going to milk the cows, they could by no means preserve the vessels of milk from the like annoyances, which made it fit only for the *hogs*.

She going down into the cellar, the trap-door was immediately by an *invisible hand*, shut upon her, and a table brought and laid upon the door which kept her there till the man remov'd it. When he was writing another time, a dish went and leapt into a pail, and cast water on them, and on all the concerns before him, so as to defeat what he was then upon. His cap jump'd off his head, and on again, and the pot lid went off the pot into the kettle, then over the fire together.

A little Boy belonging to the family, was a principal *sufferer* in these *molestations*; for he was flung about at such a rate that they fear'd his brains would have been *beaten out*; nor did they find it possible to hold him. His bed cloathes would be pull'd from him, his bed shaken, and his bed staff leap forward and backward. The man took him to keep him in a chair, but the chair fell a dancing, and both of them were very near being thrown into the fire. He was taken out of his bed and thrown under it, and all the knives belonging to the house were, one after another, stuck into his back, which the spectators pull'd out; only one of them seem'd to the spectators to come out of his mouth. The poor boy was divers times thrown into the fire and preserv'd from scorching there, with much ado. For a long while he bark'd like a dog, and then he *cloqu'd* like a hen; and could not speak rationally. His tongue would be pull'd out of his mouth; but when he could recover it so far as to speak, he complain'd that a man called P——l, appeared unto him as the cause of all.

Once in the day-time he was transported where none could find him, till at last they found him creeping on one side, and sadly dumb and lame. When he was able to express

himself, he said P——I *had carried him over the top of the house, and hurted him against the cart wheel in the barn;* and accordingly they found some remainders of the thresh'd Barley, which was on the Barn floor, hanging about his garments.

The *spectre* would make all his meat, when he was going to eat, fly out of his mouth; and instead thereof, make him fall to eating of ashes, and sticks, and yarn. The man and his Wife taking the boy to bed with them, a chamber-pot, with its contents, was thrown upon them; they were severely pinch'd, and pull'd out of the bed; and many other fruits of *devilish spite* were they dogg'd withall, until it pleased God mercifully to shorten the *chain of the devil*. But before the *devil* was chain'd up, the *invisible hand*, which did all these things, began to put on an astonishing *visibility*.

They often thought they felt the hand that scratch'd them, while yet they saw it not; but when they thought they had hold of it, it would give them the slip. Once the *fist* beating the man was discernible, but they could not catch hold of it. At length an apparition of a *Blackamoor Child* shew'd itself plainly to them. And another time a drumming on the boards was heard, which was follow'd with a voice that sang, *revenge, revenge, sweet is revenge*. At this, the people being terrify'd, call'd upon God: whereupon there follow'd a mournful note, several times uttering these expressions, *alas! alas! we knock no more, we knock no more!* and there was an end of all.

On June 11, 1682, showers of stones were thrown by an *invisible hand* upon the house of *George Walton*, at Portsmouth. Whereupon the people going out, found the gate wrung off the hinges, and stones flying and falling thick about them, and striking of them seemingly with a *great force*, but really affecting them no more than if a *soft touch* were given them. The *Glass windows* were broken to

pieces by stones that came not from *without*, but from *within*; and other instruments were in like manner hurl'd about. Nine of the stones they took up, whereof some were as hot as if they came out of the fire; and marking them, they laid them on the table; but in a little while they found some of them again flying about. The spit was carried up the chimney; and coming down with the point forward, stuck in the back log; from whence one of the company removing it, it was by an *invisible hand* thrown out at the window. This disturbance continued from day to day; and sometimes a dismal hollow *whistling* would be heard, and sometimes a *trotting* and *snorting* of an *horse*, but nothing to be seen. The man went up the great Bay in a Boat unto a farm he had there; but there the *stones* found him out; and carrying from the house to the Boat a stirrup Iron, the Iron came jingling after him through the woods as far as the house; and at last went away, and was heard of no more. The Anchor leap'd overboard several times, and stopt the Boat. A *cheese* was taken out of the Press, and crumbl'd all over the floor; a piece of *Iron* stuck into the wall, and a kettle hung thereon. Several cocks of hay mow'd near the house, were taken up and hung upon trees, and others made into small wisps, and scattered about the house. The man was much hurt by some of the stones: he was a Quaker, and suspected a Woman who charged him with injustice in detaining some land from her, did by witchcraft occasion these preternatural occurrences. However, at last, they came to an end.

In June, 1682, *Mary*, the wife of *Antonio Hortado*, dwelling near the *Salmon falls*, heard a voice at the door of her house, calling *what do you here?* Two or three days after, a great stone was thrown along the house; which the people going to take up, was unaccountably gone. A *frying pan*, then in the chimney, rang so loud, that the people at an hundred rods distance heard it; and the said

Mary, with her husband, going over the River in a Canoo, they saw the *head* of a *man*, and about three foot off, the *tail of a cat*, swimming before the Canoo, when they returned, but at their landing, it first disappeared. A stone thrown by an *invisible hand*, after this, caused a *swelling* and a *soreness* in her head; and she was *bitten* on both arms black and blue, and her breast scratch'd, the impression of the teeth, which were like a man's teeth, being seen by many.

They deserted the house on these occasions, and tho' at a neighbour's house they were at first haunted with *apparitions*, the *Satanical molestations* quickly ceas'd. When Antonio went unto his own house, at the *entrance*, there he heard one *walking* in his chamber, and saw the boards buckle under the feet of the walker; and yet there was nobody there. For this cause, he went back to dwell on the other side of the River; but thinking he might *plant his ground*, tho' he left his *house*, he had five rods of good log fence thrown down at once, and the footing of *neat cattle* plainly to be seen almost between every row of corn in the field; and yet no cattle seen there, nor any damage done to his *corn*, or so much as a leave of it cropt.

Mr. Philip Smith, aged about fifty years, a son of eminently vertuous parents, a Deacon of a Church in *Hadley*, a member of the *General Court*, a *Justice* in the *Countrey Court*, a *Select Man* for the affairs of the town, a *Lieutenant of the troop*, and which crowns all, a man of *devotion*, *sanctity*, *gravity*, and all that was honest exceeding exemplary. Such a man was, in the winter of 1684, murder'd with an hideous *witchcraft*, that filled all those parts of *New England* with astonishment. He was, by his office, concerned about relieving the *indigences* of a wretched woman in town; who being dissatisfy'd at some of his just cares about her, express'd herself unto him in such a manner, that he declared himself thenceforward apprehensive of receiving mischief at her hands.

About the beginning of January, he began to be very *valetudinarious*, labouring under pains that seem'd *Ischiatick*. The standersby could now see in him one ripening apace for another world, and fill'd with grace and joy to a high degree. He shew'd such weanedness from weariness of the world, that he knew not (he said) whether he might pray for his continuance here: and such assurance he had of the divine love unto him, that in raptures he would cry out, *Lord, stay thy hand; it is enough, it is more than thy frail servant can bear.* But in the midst of these things, he still utter'd and had hard suspicion that the ill woman who had threatened him, had made impressions with inchantments upon him. While he remain'd yet of a *sound mind*, he very sedately, but very solemnly, charged his brother to look well after him. Tho' he said he now understood himself, yet he knew not how he might be. *But be sure (said he) to have a care of me; for you shall see strange things. There shall be a wonder in Hadley! I shall not be dead, when 'tis thought I am!* He press'd this charge over and over; and afterwards became delirious; upon which he had a speech *incessant* and *voluble*, and (as was judg'd) in various languages. He cry'd out, not only of *pains* but also of *pins*, tormenting him in several parts of his body; and the attendants found one of them.

In his distresses he exclaimed much upon the woman aforesaid, and others, as being seen by him in the room; and there was divers times both in that room, and over the whole house, a strong smell of something like *musk*, which once particularly so scented an Apple roasting at the fire, that it forc'd them to throw it away. Some of the young men in the town being out of their wits, at the strange calamities thus upon one of their neighbours, went three or four times to give disturbance unto the woman thus complained of: and all the time they were disturbing of her, he was at ease, and slept as a weary man: yea, these were the only times that they perceived him to take any sleep in

his illness. Gally pots of medicines provided for the sick man, were unaccountably empty'd : audible *scratchings* were made about the bed, when his hands and feet lay wholly still, and were held by others. They beheld fire sometimes on the bed ; and when the beholders began to discourse of it, it vanished away. Divers people actually felt something often stir in the bed, at a considerable distance from the man : it seem'd as big as a cat, but they could never grasp it. Several trying to lean on the beds head, tho' the sick man lay wholly still, the bed would shake so as to knock their heads uncomfortably. A very strong man could not lift the sick man to make him lie more easily, tho' he apply'd his utmost strength unto it ; and yet he could go presently and lift a bedstead, and a man lying on it, without any strain to himself at all. Mr. Smith dies ; the Jury that view'd his corpse, found a swelling on the breast, his —— wounded or burn'd, his back full of bruises, and several holes that seem'd. After the *opinion* of all had *pronounced* him dead, his *countenance* continued as lively as if he had been alive ; his ewyes closed as in a slumber, and his nether Jaw not fallen down.

Thus he remain'd from Saturday morning about sunrise, till *Sabbath-day*, in the afternoon ; when those who took him out of the bed, found him still warm, tho' the season was as cold as had almost been known in any age : and a New English winter does not want for cold.

On the night following his *countenance* was yet fresh as before ; but on Monday morning they found the face extremely tumify'd and discolour'd. It was black and blue, and fresh blood seem'd *running* down his cheek upon the hairs. Divers noises were also heard in the room where the corpse lay ; as the clattering of chairs and stools, whereof no account could be given.

This was the end of so good a man. And I could with *unquestionable evidence* relate the tragical deaths of several *good men* in this land attended with such *preternatural cir-*

cumstances, which have loudly call'd upon us all to *work out our own salvation with fear and treampling.*

There was one Mary Johnson, try'd at Hertford in this countrey, upon an indictment of *familiarity with the Devil*, and was found guilty thereof, cheifly upon her own confession. Her confession was attended with such convictive circumstances, that it could not be slighted. Vary many material passages relating to this matter, are now lost: but so much as is well known, and can still be prov'd shall be inserted.

She said her familiarity with the devil came through *discontent*, and wishing the Devil to take this and that, and the Devil to do that and t'other thing; whereupon a Devil appear'd unto her, tendering her what *services* might content her. A devil accordingly did for her many services. Her master blam'd her for not carrying out the ashes, and a Devil afterwards would clear the hearth of ashes for her. Her master sending her to drive out the Hogs, that sometimes broke into the field, a Devil scare the hogs away, and make her laugh to see how he teaz'd them. She confess'd that she had murdered a child, and, committed *uncleanness* both with men and with Devils. In time of her *imprisonment*, the famous Mr. Stone was at great pains to promote her conversion from the Devil to God; and she was by the best observers judged very penitent, both before her Execution and at it; and she went out of the world with comfortable hopes of *mercy* from God through the merit of our Saviour. Being asked what she built her hopes upon, she answer'd, upon these words; *come unto me all ye that labour and are heavy laden, and I will give you rest*; and these; *there is a fountain set open for sin and uncleanness.* And she dy'd in a frame extreamly to the satisfaction of them that were spectators of it.

Four children of John Goodwin in Boston, which had enjoy'd a religious education, and answered it with a tow-

ardly ingenuity : children indeed of an exemplary temper and carriage, and an example to those about them for piety, honesty and industry. These were in the year 1688, arrested by a very stupendous witchcraft. The eldest of the children, a daughter of about thirteen years old, saw cause to examine their laundress, the daughter of a scandalous Irish woman in the neighborhood, about some Linen that was missing ; and the woman bestowing very bad language on the child, in her Daughter's defence, the child was immediately taken with odd fits, that carried in them something *diabolical*. It was not long before one of her sisters, with two of her brothers, were horribly taken with the like fits which the most experienced physicians pronounced extraordinary and *preternatural* : and one thing that the more confirmed in this opinion was, that all the children were tormented, still, just the same part of their bodies, at the same time, tho' their pains flew like swift lightning from one part unto another, and they were kept so far asunder, that they neither saw nor heard one anothers complaints. At 9 or 10 o'clock at night, they still had a release from their miseries, and slept all night pretty comfortably. But when the day came, they were most miserably handled. Sometimes they were *deaf*, sometimes *dumb*, sometimes *blind*, and often all this at once. Their *tongues* would be *drawn down* their throats, and then pull'd out upon their *chins* to a prodigious length. Their *mouths* were forc'd open to such a wideness, that their Jaws went out of joint : and anon clap together again, with a force like that of a *Spring Lock* ; and the like would happen to their shoulder blades and their elbows, and hand wrists, and several of their joints. They would lie in a *benumb'd condition*, and be drawn together like those that are tied neck and heels ; and presently be stretch'd out, yea drawn back enormously. They made piteous outcries, that they were cut with *knives*, and struck with blows ; and the plain prints of the *wounds* were seen upon them. Their necks would be broken so that

their *neck bone* would seem dissolved unto them that felt after it; and yet on the sudden it would come again so stiff, that there was no stirring of their heads: yea, their heads would be twisted almost *round*: and if the main force of their friends at any time obstructed a dangerous motion which they seem'd upon, they would roar exceedingly: and when devotions were performed with them, their *hearing* was utterly taken from them. The Ministers of Boston and Charlestown, kept a day of *prayer and fasting*, on this occasion, at the troubled house, the youngest of the four children was immediately, happily, finally deliver'd from all its trouble. But the Magistrates being awakened by the noise of these grievous and horrid occurrences, examined the person who was under the suspicion of having employ'd these troublesome *demons*; and she gave such a wretched account of herself, that she was committed unto the Gaoler's custody.

It was not long before this woman (whose name was Glover,) was brought upon her trial; but then the court could have no answers from her, but in the Irish, which was her native language, although she understood English in her former conversation. When she pleaded to her indictment, it was with owning and *bragging*, rather than denial of her guilt. And the interpreters, by whom the communication between the bench and the bar was managed, were made sensible that a *spell* had been laid by another *witch* on this, to prevent her telling tales, by confining her to a language which 'twas hoped nobody would understand. The woman's house being searched, several *images*, or *poppets*, or *babies*, made of rags and stuffed with *Goat's hair*, were thence produced, and the vile woman confessed that her way to torment the objects of her malice was by wetting of her finger with her spittle, and stroaking of those little *images*. The abused children were then present in the court; the woman kept still stooping and shrinking, as one that was almost prest unto death with a mighty weight upon her. But one of the *images* being

brought unto her, she odly and swiftly started up, and snatch'd it into her hand; but she had no sooner snatch'd it, than one of the children fell into sad fits, before the whole assembly. The Judges had their just apprehensions at this, and carefully causing a repetition of the experiment, they still found the same event of it, tho' the children saw not when the hand of the *witch* was laid upon the *images*: they asked her *whether she had any to stand by her?* She replied *she had*: and looking very pertly into the air, she added, *no he's gone!* and she then acknowledged that she had *one*, who was her *prince*, with whom she mentioned I no not what *communion*. For which cause, the night after she was heard expostulating with a *Devil*, for his thus deserting her, telling him, that *because he had served her so basely and falsely she had confessed all*.

However, to make all clear, the Court appointed five or six Physicians to examine her very strictly, whether she was no way crazed in her intellectuals. Divers hours did they spend with her; and in all that while, no discourse came from her but what was *agreeable*; particularly when they ask'd her what she thought would become of her Soul, she replied, *you ask me a very solemn question, and I cannot tell what to say*. She profest herself a *Roman Catholick*, and could recite her *Pater-noster* in Latin very readily; but there was one clause or two always too hard for her, wherefore she said, *she could not repeat it if she might have all the world*.

In the upshot, the Doctors return'd her *compos mentis*, and sentence of death was past upon her. Divers days past between her being arraign'd and condemned; and in this time, one *Hughes* testified that her neighbour (called *How-en*,) who was cruelly *bewitch'd* unto death, about six years before, laid her death to the charge of this woman, and bid her (the said *Hughes*,) to remember this, for within six years there would be occasion to mention it. One of *Hughes* children was presently taken ill in the same woful

manner that Goodwin's ; and particularly the Boy in the night cried out that a *black person* with a *blue cap*, in the room, tortured him, and that they tried with their hand in the bed, for to pull out his bowels. The mother of the Boy went unto *Glover* the day following, and asked her *why she tortured her poor lad at such a rate ? Glover* answered, *because of the wrong she had received from her ; and boasted that she had come at him as a black person with a blue cap, and with her hand in the bed, would have pull'd his bowels out, but could not. Hughes* denied that she had wronged her ; and *Glover* then desiring to see the boy, wished him well ; upon which he had no more of his indispositions. After the condemnation of the woman, I did myself give divers visits unto her ; wherein she told me that she used to be at meetings, where her prince with four more were present. She told me who the four were, and plainly said *that her prince was the Devil*. When I told her that and how her Prince had cheated her, she reply'd, *if it be so I am sorry for that !* And when she declined answering some things that I asked her, she told me *she would fain give me a full answer, but her spirits would not give her leave ; nor could she consent, she said, without their leave, that I should pray for her*. At her execution, she said the afflicted children should not be relieved by her death, for others besides she had a hand in their affliction. Accordingly the *three children* continu'd in their furnace as before ; and it grew rather *seven times hotter* than it was. In their fits they cry'd out (*they*) and (*them*) as the authors of all their miseries ; but who that (*they*) and (*them*) were, they were unable to declare ; yet at last one of the *children* was able to discern their shapes, and uttered their names. A blow at the place where they saw the spectre, was always felt by the *Boy* himself in that part of his body that answer'd what might be stricken at ; and this tho' his back were turn'd, and the thing so done that there could be no collusion in it. But as a blow at the *spectre* always hurt

him, so it always help'd him too; for after the agonies, to which a push or stab at that had put him, were over, (in a minute or two they would be,) he would have a respite from his ails a considerable while, and the spectre would be gone; yea, it was very credibly affirmed, that a dangerous woman or two in the town receiv'd wounds by the blows thus given to the *spectres*. The calamities of the children went on till they barked at one another like *dogs*, and then *purred* like so many *cats*. They would complain that they were in a *red hot oven*, and sweat and pant as much as if they had been really so. Anon they would say that cold water was thrown on them, at which they would shiver very much. They would complain of *blows* with great cudgels laid upon them, and we that stood by, though we could see no cudgels, yet could see the marks of the *blows* in red streaks upon their flesh.

They would complain of being *roasted* on an *invisible spit*; and lie and roll and groan as if it had been most sensibly so; and by and by shriek that knives were cutting of them. They would complain that their *heads were nailed* unto the floor, and it was beyond an ordinary strength to pull them from thence. They would be so limber sometimes, that it was judg'd every *bone* they had might be bent; and anon so stiff, that not a joint of them could be stired.

One of them dreamt that something was growing within his skin, cross one of his ribs. An expert Chirurgeon searcht the place, and found there a brass pin, which could not possibly come to lie there as it did, without a prestigious and misterious conveyance. Sometimes they would be very mad, and then they would climb over high fences, yea, they would fly like *geese*, and be carried with an incredible *swiftness* through the air, having but just their toes now and then upon the ground, (sometimes not once in *twenty foot*,) and their arms *waved* like the wings of a bird. They were often very near *drowning or burning* of themselves; and they often *strangled* themselves with their

neck cloths ; but the providence of God still ordered the seasonable succors of them that looked after them. If there happened any mischief to be done where they were, as the dirtying of a *garment*, or spilling of a cup, or breaking of a glass, they would laugh excessively.

But upon the least reproof of their parents, they were thrown into inexpressible anguish, and roar as excessively. It usually took up abundance of time to *dress* them or *undress* them, through the strange postures into which they would be *twisted*, on purpose to hinder it ; and yet the *demons* did not know our thoughts ; for if we used a jargon, and said untie his neckcloth, but the party bidden understood our meaning to be untie his shooe, the neckcloth, and not the shooe, has been by writhen postures rendered strangely *inaccessible*. In their beds they would be sometimes treated so, that no cloaths could for an hour or two be laid upon them. If they were bidden to do a *needless* thing, (as to rub a *clean table*,) they were able to do it unmolested ; but if to do any *useful* thing, (as rub a *dirty table*,) they would *presently*, with many torments, be made incapable.

They were sometime hindred from eating their *meals*, by having their *teeth set* when any thing was carrying to their mouths. If there were any discourse of *God*, or *Christ*, or any of the *things which are not seen, and are eternal*, they would be cast into *intolerable anguishes*.—All praying to God, and reading of his word, would occasion 'em a very *terrible vexation*. Their own ears would then be stopt with their own hands, and they would roar, and howl, and shriek, and hollow, to *drown* the voice of the devotions, yea, if any one in the room took up a Bible to look into it, tho' the children could see nothing of it, as being in a crowd of spectators, or having their faces another way, yet would they be in *wonderful torments* till the *Bible* was laid aside. Briefly, *no good thing* might then be endured near those children, which, while they were themselves,

loved every good thing, in a measure that proclaimed in them the fear of God. If I said unto them, *child, cry to the Lord Jesus Christ!* their *teeth* were instantly set. If I said, *yet, look unto him!* their eyes were instantly pull'd so far into their heads, that we fear'd they could never have us'd them any more.

It was the eldest of these children that fell chiefly under my own observation: for I took her home to my own family, partly out of compassion to her parents, but chiefly, that I might be a critical eye witness of these things, that would enable me to confute the saducism of this debauched age. Here she continued well for some days, applying herself to actions of industry and piety: but Nov. 20, 1688, she cry'd out, *Ah, they have found me out*, and immediately she fell into fits. Wherein we often observed that she would cough up a ball as big as a small Egg into the side of the *wind pipe*, that would near choke her, till by stroaking and by drinking, it was again carried down.

When I prayed in the room, first her hands were with a *strong*, tho' not even force, clapt upon her ears; and when her hands were by our force pulled away, she cry'd out, *they make such a noise I cannot hear a word!* She complained that *Glover's* chain was upon her leg; and assaying to go, her gait was exactly such as the *chained witch* had before she died. When her *tortures* pass'd over, still frolicks would succeed, wherein she would continue hours, yea, days together, talking perhaps never wickedly, but always wittily beyond herself. And at certain provocations her torments would *renew* upon her, till we had left off to give them; yet she frequently told us in these frolicks, *that if she might but steal, or be drunk, she should be well immediately.* She told us, *that she must go down to the botttom of our well*, (and we had much ado to hinder it) *for they said there was plate there, and they would bring her up safely again.* We wondered at this, for she had never heard of any plate there; and we ourselves, who

had newly bought the house, were ignorant of it; but the *former owner* of the house just then coming in, *said there had been plate for many years lost at the bottom of the well.* Moreover, one singular passion that frequently attended her, was this.

An *invisible chain* would be clapt about her, and she in much pain and fear, cry out when (*they*) began to put it on. Sometimes we could with our hands knock it off, as it began to be fastened, but ordinarily, when it was on, she would be pull'd out of her seat, with such violence *towards* the fire, that it was as much as one or two of us could do to keep her out. Her Eyes were not brought to be perpendicular to her feet when she rose out of her chair, as the mechanism of an humane body requires in them that rise, but she was dragg'd *wholly* by other hands. And if we stamp'd on the hearth, just between her and the fire, she screamed out, *that by jaring the chain we hurt her.*

I may add, that (*they*) they put an unseen rope, with a cruel noose, about her *neck*, whereby she was choaked untill she was black in the face; and tho' it was got off before it had kill'd her, yet there were the red marks of it, and of a finger and a thumb near it, remaining to be seen for some while afterwards. Furthermore, not only upon her own looking in the Bible, but if any one else in the room did it, *wholly unknown* to her, she would fall into unsufferable torments.

A Quaker Book being brought her, she could quietly read whole pages of it; only the name of *God* and *Christ*, she still skipp'd over, being unable to pronounce it, except sometimes stammering a minute or two, or more upon it. And when we urged her to tell what the word was that she miss'd, she would say, *I must not speak it: they say I must not. You know what it is. 'Tis G, and O, and D.* But a Book against *Quakerism* (*they*) would not allow her to meddle with. Such books as it might have been profitable and edifying for her to read, and especially her cathe-

chisms, if she did but offer to read a line in them, she would be cast into hideous convulsions, and be tost about the house like a foot ball ; but books of jests being shewn her, she could read them well enough, and have cunning descants upon them. *Popish books (they)* would not hinder her from reading ; but *(they)* would from reading books against Popery. A book which pretends to prove *that there are no witches*, was easily read by her ; only the name *Devils* and *witches* might not be uttered. A book which proves *that there are witches*, being exhibited unto her, she might not read it ; and that expression in the story of Ann Cole, about running to the Rock, always threw her into convulsions.

Divers of these trials were made by many witnesses ; but I considering that there might be a snare in it, put a seasonable stop to this fanciful business. Only I could not but be amaz'd at one thing. A certain prayer book being brought her, she not only could read it very well, but also did read a large part of it over, calling it her Bible, and putting a more than ordinary respect upon it. If she were going into her tortures, at the tender of this book she would recover herself to read it ; only when she came to the Lords prayer, now and then occurring in that book, she would have her eyes put out, so that she must turn over a new leaf, and then she could read again. Whereas, also, there are *Scriptures* in that book she could read them there ; but if any shewed her the very same Scriptures in the Bible itself, she should sooner die than read them ; and she was likewise made unable to read the Psalms in an ancient metre which this prayer Book had in the same volume with it. Besides these, there was another inexplicable thing in her condition. Ever now and then, an invisible horse would be brought unto her by those whom she only called *(them)* and *(her company)* upon the approach of which, her ewyes would be still closed up ; for *(said she,)* they say *I am a*

tell tale, and therefore they will not let me see them. Here-upon she would give a spring as one mounting an horse, and settling herself in a riding posture, she would in her chair be agitated as one sometimes ambling, sometimes trotting, and sometimes galloping very furiously. In these motions we could not perceive that she was moved by the stress of her feet upon the ground, for often she touch'd it not. When she had rode a minute or two, she would seem to be at a rendezvous with [them] that were her [company] and there she would maintain a discourse with them, asking them many questions concerning herself, (we gave her none of ours) and have answers from them which indeed none but herself perceived. Then would she return and inform us how [they] *did intend to handle her for a day or two afterwards*, and some other things that she enquired. Her horse would sometimes throw her with much violence; especially if any one stabb'd or cut the air under her. But she would briskly mount again and perform her fantastick journeys mostly in her chair; but sometimes also, she would be carried from her chair out of one room into another, very odly in the postures of a riding woman. At length, she pretended, could ride up the stairs; and unto admiration she rode, (that is was toss'd as one that rode) up the stairs. There then stood open the study of one belonging to the family: into which entering, she stood immediately on her feet, cry'd out *they they are gone! they are gone! they say that they cannot. God won't let them come here!* Adding a reason for it which the owner of the study thought more kind than true. And she presently and perfectly came to herself so that her whole discourse and carriage was alter'd unto the greatest *measure of sobriety*, and she sate reading of the Bible and other good books, for a good part of the afternoon. Her affairs calling her anon to go down again, the *demons* were in a quarter of a minute as bad upon her as before; and her *horse was waiting* for her. Some then came to see whether there had not been fallacy

in what had newly hapned, resolved for to have her up unto the study where she had been at ease before ; but she was then so strangely distorted, that it was an *extream difficulty* to drag her up stairs. The *demons* would pull her out of the peoples hands and make her heavier than perhaps three of herself. With incredible toil, (tho she kept screaming, *they say I must go in,*) she was pull'd in, where she was no sooner got, before she could stand on her feet and with an alter'd note say, *now I am well.*

She would be faint at first, and say, *she felt something to go out of her*, (the noises whereof we sometimes heard like those of a mouse,) but in a minute or two, she could apply herself to *devotion*, and express herself with *discretion* as well as ever in her life.

To satisfie some strangers, the *experiment* was divers times, with the same success, *repeated*, until my loathness to have any thing done like making a charm of a room, caus'd me to forbid the repetition of it. But enough of this. The ministers of *Boston and Charleston* kept another day of *prayer with fasting*, for Goodwin's afflicted family. After which, the children had a *sensible*, but a *gradual abatement*, of their sorrows, until perfect ease was at length restored unto them. The young woman dwelt at my house the rest of the Winter ; having, by a *vertuous conversation*, made herself *welcome* to the family. But ere long, I thought it convenient for me to entertain my congregation with a sermon on the *memorable providences* wherein these children had been concern'd, (afterwards publish'd.) When I had begun to study my sermon, her *tormentors* again seized upon her, and managed her with a special design, as was plain, to disturb me in what I was then about.

In the worst of her extravagancies formerly, she was more dutiful to myself than I had reason to expect. But now her *whole carriage* to me was with a sawciness which I was not used any where to be treated withall. She would

knock at my study door *affirming that some below would be glad to see me*, though there was none that asked for me. And when I chid her for telling what was false, her answer was, *Mrs. Mather is always glad to see you*. She would call to me with numberless impertinences; and when I came down she would throw things at me, though none of them could ever hurt me: And she would hecter me at a strange rate for something I was doing above, and threaten me with *mischiefe* and reproach that should revenge it. Few tortures now attended her but such as were provoked. Her frolicks were numberless, if we may call them hers. I was in Latin telling some young gentleman that if I should bid her look to God, her eyes would be put out; upon which, her eyes were presently served so. Perceiving that her troublers understood Latin, some trials were thereupon made whether they understood Greek and Hebrew, which it seems they also did; but the Indian languages they did seem not so well to understand.

When we went unto prayer, the *demons* would throw her on the floor at the feet of him that prayed, where she would whistle, and sing, and yel, to drown the voice of prayer, and she would fetch *blows* with her fist, and kicks with her foot, at the man that pray'd; but still her fist and foot would always recoyl when they came within an inch or two of him, as if rebounding against a wall, and then she would beg hard for other people to strike him, which (you may be sure) not being done, she cried out, *he has wounded me in the head*. But before the prayer was over, she would be laid for dead, *wholly* sensless, and (unto appearance) breathless, with her belly swelled like a drum; and sometimes with croaking noises in her. Thus would she lie, most exactly with the stiffness and posture of one that had been two days laid out for dead. Once lying thus, as he that was praying was alluding to the words of the *Canaanites*, and saying, *Lord, have mercy on a daughter vex't with a Devil*, there came a big, but low voice from her, in which

the spectators did not see her mouth to move, *there's two or three of us*. When prayer was ended, she would revive in a minute or two, and continue as frolicsome as ever.

She thus continued until Saturday towards the evening, when she assay'd with as nimble and various and pleasant an application as could easily be used, for to divert the young folks in the family from such exercises, as it was proper to the Sabbath withall; but they refusing to be diverted, she fell fast asleep, and in two or three hours waked perfectly herself, weeping bitterly to remember what had befallen her. When *Christmas* arrived, both she at my house, and her sister at home, were by the *demons* made very drunk, though we are fully satisfied they had no *strong drink* to make them so, nor *would they willingly* have been so to have saved the world. When she began to feel herself drunk, she complained, *Oh! they say they will have me to keep Christmas with them. They will disgrace me when they can do nothing else*. And immediately the ridiculous behaviours of one drunk were with a wondrous exactness, represented in her speaking and reeling, and spewing, and anon sleeping, till she was well again. At last, the *demons* put her upon saying that she was dying, and the matter prov'd such that we fear'd she really was; for she lay, she toss'd, she pull'd, just like one dying, and urged hard for some one to die with her, seeming loth to die alone. She argu'd concerning *death*, with a paraphrase on the thirty-first psalm, in strains that quite amazed us; and concluded that tho' she was loth to die, yet if God said she must, she must! Adding, that the Indians would quickly shed much blood in the country, and *horrible tragedies* would be acted in the land. Thus the vexations of the children ended.

But after awhile, they began again; and then one particular minister taking a particular compassion on the family, set himself to serve them in the methods prescribed by our Lord Jesus Christ. Accordingly, the Lord being *besought*

thrice in three days of prayer, with fasting on this occasion, the family then saw their *deliverance* perfected; and the children afterwards all of them, not only approv'd themselves devout *Christians*, but unto the praise of God reckoned these their afflictions among the special *incentives* of their Christianity.

The Ministers of Boston and Charlestown, afterwards accompany'd the printed narrative of these things with their attestations to the truth of it. And when it was reprinted at London, the famous Mr. Baxter prefixed a preface unto it, wherein he says, *this great instance comes with such convincing evidence, that he must be a very obstinate sadducee that will not believe it.*

CONFESSIONS OF WITCHES.

I shall give the reader a taste of these things in a few instances.—The afflicted complained that the spectres which vex'd them, urged them to set their hands to a book, represented to them, (as to them it seemed) with threatnings of great torments, if they signed not, and promises of ease if they obeyed. Amongst these, D. H. as she said (which sundry others confess'd afterwards) being overcome by the extremity of her pains, did sign the book presented, and had the promised ease, and immediately upon it a spectre in her shape afflicted another person, and said, *I have sign'd the book, and have ease: now do you sign, and so shall you have ease!* And one day, this afflicted person pointed at a certain place in the room, and said there is D. H. upon which, a man with his rapier struck at the place, tho' he saw no shape; and the *afflicted* called out, saying, *you have given her a small wound about the eye.* Soon after this the said D. H. confess'd herself to be made a witch, by signing the Devils book, as abovesaid, and declared that she had afflicted the maid that complained of her, and in doing of it had received *two wounds* by a *Sword or Rapier*; a small one about the eye, which she *shewed* to the Magistrates, and an-

other on the side, of which she was search'd by a discreet woman, who reported that D. H. had on her side the sign of a wound newly healed. This D. H. confessed that she was at a witch meeting at Salem Village, where were many persons that she named, some of whom were in prison then, or soon after, upon suspicion of witchcraft; and the said G. B. preached to them, and such a woman was their Deacon, and there they had a sacrament.

Several others after this, confessed the same things with D. H., in particular Goody E. said, that she, with two others, (one of whom acknowledg'd the same) rode from Andover to the same Village Witch Meeting, upon a stick above the ground, and that in the way the stick brake, and gave the said F. a fall, whereby, said she, *I got a fall, and hurt, of which I am still sore.* I happened to be present in prison when this F. own'd again her former confession to the Magistrates. I asked her if she rode to the meeting on a stick? She said *yea*. I inquired what she did for victuals? She answered, that she carried Bread and Cheese in her pocket, and that she and the Andover company came to the Village before the meeting began, and sat down together under a Tree, and eat their food; and that she drank water out of a Brook to quench her thirst; and that the meeting was upon a plain grassy place, by which was a Cart path, in which were the tracks of horses feet: and she also told me how long they were going and returning, and some time after, told me she had some trouble upon her spirit; and when I enquired what, she said she was in fear that G. B. and M. C. would kill her; for they appeared unto her (in spectre, for their persons were kept in other rooms in the prison,) and brought a sharp pointed Iron, like a *spindle*, but four square, and threatened to take her life, because she had confessed her witchcraft, and told of them that they were with her; and M. C. abovenamed was the person that made her a witch. About a month after the said F. took

occasion to tell me the same story of her fears that G. B. and E. C. would kill her; so that the thing was much on her spirit.

Nextly I will insert the confession of a Man, about forty years of age, W. B. which he wrote himself in prison, and sent to the Magistrates, to confirm his former confession to them.

God having called me to confess my sin and apostacy in that fall, in giving the Devil advantage over me, appearing to me like a black man in the evening, to set my hand to his book, as I have owned to my shame. He told me that I should not want, so doing. At Salem Village, there being a little off the Meeting House, about an hundred fine blades, some with rapiers by their sides, which was called (and might be more for ought I know) by B. and Bu, and the trumpet sounded, and bread and wine, which they called the sacrament, but I had none; being carried over all upon a stick never being at any other meeting, I being at Cart Saturday last, all the day of Hay and English Corn, the devil brought my shape to Salem, and did afflict M. S. and R. F. by clitching my hand; and on Sabbath day, my shape afflicted M. S. and A. M. E. J. and A. F. have been my enticers to this great abomination, as one hath owned and charged her other Sister with the same. And the design was to destroy Salem Village, and to begin at the Ministers House, and to destroy the Churches of God, and to set up Satans Kingdom, and then all will be well. And now I hope God hath made me in some measure sensible of my sin and apostacy; begging pardon of God, and of the honourable Magistrates, and all God's people; hoping, and promising by the help of God, to set my heart and hand to do what in me lieth to destroy such wicked worship; humbly begging the prayers of God's people for me, I may walk humbly under all this great affliction, and that I may procure to myself the sure mercies of David.

Concerning this confession, note 1, it was his own free act in prison. 2, He said (*the Devil like a black Sheep,*)

this he had before explained to be like a *black man*. 3. That on a certain day was heard in the air the *sound of a trumpet* at Salem Village, nigh the meeting house, and upon all enquiry, it could not be found that any mortal man did sound it. 4. The three persons, he saith, the Devil in his shape afflicted, had been as to the time and manner, afflicted as he confesseth. 5. That E. J. confessed as much as W. B. charged her with. 6. Many others confessed a witch meeting, or witch meetings, at the Village as well as he.

Note also, that these confessors did not only witness against themselves, but against one another, and against many, if not all those that suffered for that crime. As for example: when G. B. was tried, seven or eight of these confessors, severally called, said they knew the said B. and saw him at a witch meeting at the Village, and heard him exhort the company to pull down the Kingdom of God, and set up the Kingdom of the Devil. He denied all; yet said he justified the Judges and Jury, in condemning of him: because there were so many positive witnesses against him; but said he died by false witnesses. M. C. had to witness against her, two or three of her own children, and several neighbours, that said they were in confederacy with her in witchcraft. A. F. had three of her children, and some of the neighbours, her own sister, and a servant, who confessed themselves witches, and said she was in confederacy with them. But alas! I am weary with relating particulars; those that would see more of this kind, let them have recourse to the Records.

It may be queried, how doth it appear that there was a going too far in this affair?

A. 1. By the numbers of the persons accused, which at length increased to about an hundred; and it cannot be imagined that in a place of so much knowledge, so many in so small a compass of land, should so abominably leap into the devil's lap all at once.

2. The quality of several of the accused was such as did bespeak *better things, and things that accompany salvation*;

persons, whose blameless and holy lives before did testify for them; persons that had taken great pains to bring up their children in the nurture and admonition of the Lord; such as we had charity for, as for our own souls: And charity as a Christian duty commended to us.

3. The number of the afflicted daily increased, until about fifty persons were thus vex'd by the devil. This gave just ground to suspect some mistake, which gave advantage to the *accuser of the brethren* to make a breach upon us.

4. It was considerable, that *nineteen* were Executed, and all denied the crime to the death, and some of them were knowing persons, and had before this been accounted blameless livers. And it is not to be imagined, but that if all had been guilty, some would have had so much tenderness as to seek mercy for their souls, in the way of confession and sorrow for such a sin. And as for the *condemn'd confessors* at the bar, (they being reprieved,) we had no experience whether they would stand to their self-condemning confessions when they came to die.

5. When this prosecution ceased, the Lord so *chain'd up Satan*, that the afflicted grew presently well; the accused are generally quiet; and for five years since, we have no such molestations by them.

6. It sways much with me, which I have since heard and read of the like mistakes in other places. As in Suffolk in England, about the year 1645, was such a prosecution, until they saw that unless they put a stop to it would bring all into blood and confusion. The like hath been in France, until nine hundred were put to death. And in some other places the like. So that New England is not the only place circumvented by the *wiles of the wicked and willy serpent* in this kind.

In Chelmsford in Essex, (England,) *Anno* 1645, there were thirty try'd at once, before Judge Coniers, and fourteen of them hang'd, and an hundred more detained in several prisons in Suffolk and Essex.

As to our case at *Salem*, I conceive it proceeded from some mistaken principles : as that Satan cannot assume the shape of an innocent person, and in that shape do mischief to the bodies and estates of mankind ; and that the devil, when he doth harm to persons in their body or estate, it is (at least most commonly, generally, and frequently,) by the help of our neighbours, some witch in covenant with the devil ; and that when the party suspected looks on the parties suppos'd to be bewitch'd, and they are thereupon struck down in a fit, as if struck with a cudgel, it is a proof of such a covenant.

[The author elsewhere speaking of another mistaken principle, takes occasion to mention the following passage.]

I remember, when there was a great discourse about witches, a very holy man heard his wife say she desired a sucking Pig ; and he going to a neighbour's house, saw a sow with a litter of pigs, and took a fancy to one of them in particular for his wife, and asked the owner for that pig. The owner denied him ; hereupon he went away in a great passion, very unsuitable to such a person ; and that very pig left its dam and company, and followed this man to his home. This was observed, and it was supposed Satan might have some hand in it ; taking advantage upon the passion of so good a man, to render him suspected by such an accident, if he could.

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